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117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 3967**

IN THE SENATE OF THE UNITED STATES

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**AN ACT**

To improve health care and benefits for veterans exposed  
to toxic substances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assem-*  
3 *bled,*A

4 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**  
5 **UNITED STATES CODE; TABLE OF CONTENTS.**

6 (a) SHORT TITLE.—This Act may be cited as the  
7 “Honoring our Promise to Address Comprehensive Toxics  
8 Act of 2021” or the “Honoring our PACT Act of 2021”.

1 (b) MATTERS RELATING TO AMENDMENTS TO TITLE  
 2 38, UNITED STATES CODE.—

3 (1) REFERENCES.—Except as otherwise ex-  
 4 pressly provided, when in this Act an amendment or  
 5 repeal is expressed in terms of an amendment to, or  
 6 repeal of, a section or other provision, the reference  
 7 shall be considered to be made to a section or other  
 8 provision of title 38, United States Code.

9 (2) AMENDMENTS TO TABLES OF CONTENTS.—  
 10 Except as otherwise expressly provided, when an  
 11 amendment made by this Act to title 38, United  
 12 States Code, adds a section or larger organizational  
 13 unit to that title or amends the designation or head-  
 14 ing of a section or larger organizational unit in that  
 15 title, that amendment also shall have the effect of  
 16 amending any table of sections in that title to alter  
 17 the table to conform to the changes made by the  
 18 amendment.

19 (c) TABLE OF CONTENTS.—The table of contents for  
 20 this Act is as follows:

Sec. 1. Short title; references to title 38, United States Code; table of contents.

#### TITLE I—EXPANSION OF HEALTH CARE ELIGIBILITY

##### Subtitle A—Toxic-exposed Veterans

Sec. 101. Short title.

Sec. 102. Definitions relating to toxic-exposed veterans.

Sec. 103. Expansion of health care for specific categories of toxic-exposed veterans and veterans supporting certain overseas contingency operations.

Sec. 104. Assessments of implementation and operation.

- Sec. 105. Revision of breast cancer mammography policy of Department of Veterans Affairs to provide mammography screening for veterans who served in locations associated with toxic exposure.

Subtitle B—Certain Veterans of Combat Service and Other Matters

- Sec. 111. Expansion of period of eligibility for health care for certain veterans of combat service.
- Sec. 112. Authorization period for emergency treatment in non-Department of Veterans Affairs medical facilities.

TITLE II—TOXIC EXPOSURE PRESUMPTION PROCESS

- Sec. 201. Short title.
- Sec. 202. Improvements to ability of Department of Veterans Affairs to establish presumptions of service connection based on toxic exposure.
- Sec. 203. Reevaluation of claims for compensation involving presumptions of service connection.

TITLE III—IMPROVING THE ESTABLISHMENT OF SERVICE CONNECTION PROCESS FOR TOXIC-EXPOSED VETERANS

- Sec. 301. Short title.
- Sec. 302. Presumptions of toxic exposure.
- Sec. 303. Medical nexus examinations for toxic exposure risk activities.

TITLE IV—PRESUMPTIONS OF SERVICE CONNECTION

- Sec. 401. Treatment of veterans who participated in cleanup of Enewetak Atoll as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.
- Sec. 402. Treatment of veterans who participated in nuclear response near Palomares, Spain, or Thule, Greenland, as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.
- Sec. 403. Presumptions of service connection for diseases associated with exposures to certain herbicide agents for veterans who served in certain locations.
- Sec. 404. Addition of additional diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in certain locations.
- Sec. 405. Improving compensation for disabilities occurring in Persian Gulf War veterans.
- Sec. 406. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins.

TITLE V—RESEARCH MATTERS

- Sec. 501. Interagency working group on toxic exposure research.
- Sec. 502. Data collection, analysis, and report on treatment of veterans for illnesses related to toxic exposure.
- Sec. 503. Studies related to veterans who served in Southwest Asia and certain other locations.
- Sec. 504. Study on health trends of post 9/11 veterans.
- Sec. 505. Study on cancer rates among veterans.

- Sec. 506. Study on feasibility and advisability of furnishing hospital care and medical services to dependents of veterans who participated in toxic exposure risk activities.
- Sec. 507. Study on health effects of waste related to Manhattan Project on certain veterans.
- Sec. 508. Study on toxic exposure and mental health outcomes.
- Sec. 509. Study on veterans in Territories of the United States.
- Sec. 510. Department of Veterans Affairs public website for toxic exposure research.
- Sec. 511. Biennial report on health effects of jet fuels used by Armed Forces.

#### TITLE VI—IMPROVEMENT OF RESOURCES AND TRAINING REGARDING TOXIC-EXPOSED VETERANS

- Sec. 601. Short title; definitions.
- Sec. 602. Publication of list of resources of Department of Veterans Affairs for toxic-exposed veterans and outreach program for such veterans and caregivers and survivors of such veterans.
- Sec. 603. Incorporation of toxic exposure questionnaire during primary care appointments.
- Sec. 604. Training for personnel of the Department of Veterans Affairs with respect to toxic-exposed veterans.
- Sec. 605. Guidelines for active duty military on potential risks and prevention of toxic exposures.

#### TITLE VII—REGISTRIES, RECORDS, AND OTHER MATTERS

- Sec. 701. Registry of individuals exposed to per- and polyfluoroalkyl substances on military installations.
- Sec. 702. Fort McClellan Health Registry.
- Sec. 703. Independent study on Individual Longitudinal Exposure Record.
- Sec. 704. Biannual report on Individual Longitudinal Exposure Record.
- Sec. 705. Correction of exposure records by members of the Armed Forces and veterans.
- Sec. 706. Federal cause of action relating to water at Camp Lejeune, North Carolina.
- Sec. 707. Veterans Toxic Exposures Fund.
- Sec. 708. Authorization of electronic notice in claims under laws administered by the Secretary of Veterans Affairs.
- Sec. 709. Authorization of appropriations for expansion of claims automation.
- Sec. 710. Non-applicability of non-Department of Veterans Affairs covenants not to compete to appointment of Veterans Health Administration personnel.
- Sec. 711. Recruitment of physicians on a contingent basis prior to completion of training requirements.
- Sec. 712. Authority for Secretary of Veterans Affairs to award grants to States to improve outreach to veterans.
- Sec. 713. Study and report on herbicide agent exposure in Panama Canal Zone.
- Sec. 714. Budget information for alternatives to burn pits.
- Sec. 715. Authorization of appropriations for expansion of claims automation.
- Sec. 716. Burn pit registry updates.
- Sec. 717. Burn pit transparency.

1 **TITLE I—EXPANSION OF HEALTH**  
2 **CARE ELIGIBILITY**

3 **Subtitle A—Toxic-exposed Veterans**

4 **SEC. 101. SHORT TITLE.**

5       This title may be cited as the “Conceding Our Vet-  
6 erans’ Exposures Now And Necessitating Training Act”  
7 or the “COVENANT Act”.

8 **SEC. 102. DEFINITIONS RELATING TO TOXIC-EXPOSED VET-**  
9 **ERANS.**

10       (a) IN GENERAL.—Section 1710(a)(2)(F) is amend-  
11 ed by striking “who was exposed to a toxic substance, ra-  
12 diation, or other conditions, as provided in subsection (e)”  
13 and inserting “in accordance with subsection (e), who is  
14 a toxic-exposed veteran”.

15       (b) DEFINITIONS OF TOXIC EXPOSURE AND TOXIC-  
16 EXPOSED VETERAN.—Section 101 is amended by adding  
17 at the end the following new paragraphs:

18       “(37) The term ‘toxic exposure’ includes the fol-  
19 lowing:

20               “(A) A toxic exposure risk activity, as defined  
21 in section 1710(e)(4) of this title.

22               “(B) An exposure to a substance, chemical, or  
23 airborne hazard identified in the list under section  
24 1119(b)(2) of this title.

1 “(38) The term ‘toxic-exposed veteran’ means a vet-  
 2 eran described in section 1710(e)(1) of this title.”.

3 (c) DEFINITION OF TOXIC EXPOSURE RISK ACTIV-  
 4 ITY.—Section 1710(e)(4) is amended by adding at the end  
 5 the following new subparagraph:

6 “(C) The term ‘toxic exposure risk activity’  
 7 means any activity—

8 “(i) that requires a corresponding entry in  
 9 an exposure tracking record system (as defined  
 10 in section 1119(c) of this title) for the veteran  
 11 who carried out the activity; or

12 “(ii) that the Secretary determines quali-  
 13 fies for purposes of this subsection when taking  
 14 into account what is reasonably prudent to pro-  
 15 tect the health of veterans.”.

16 **SEC. 103. EXPANSION OF HEALTH CARE FOR SPECIFIC CAT-**  
 17 **EGORIES OF TOXIC-EXPOSED VETERANS AND**  
 18 **VETERANS SUPPORTING CERTAIN OVERSEAS**  
 19 **CONTINGENCY OPERATIONS.**

20 (a) IN GENERAL.—

21 (1) EXPANSION.—Subsection (e) of section  
 22 1710, as amended by section 102(c), is further  
 23 amended—

24 (A) in paragraph (1), by adding at the end  
 25 the following new subparagraphs:

1       “(G) Beginning not later than the applicable date  
2 specified in paragraph (6), and subject to paragraph (2),  
3 a veteran who participated in a toxic exposure risk activity  
4 while serving on active duty, active duty for training, or  
5 inactive duty training is eligible for hospital care (includ-  
6 ing mental health services and counseling), medical serv-  
7 ices, and nursing home care under subsection (a)(2)(F)  
8 for any illness.

9       “(H) Beginning not later than the applicable date  
10 specified in paragraph (6), and subject to paragraph (2),  
11 a covered veteran (as defined in section 1119(c) of this  
12 title) is eligible for hospital care (including mental health  
13 services and counseling), medical services, and nursing  
14 home care under subsection (a)(2)(F) for any illness.

15       “(I)(i) Beginning not later than the applicable date  
16 specified in paragraph (6), and subject to paragraph (2),  
17 a veteran who deployed in support of a contingency oper-  
18 ation specified in clause (ii) is eligible for hospital care  
19 (including mental health services and counseling), medical  
20 services, and nursing home care under subsection  
21 (a)(2)(F) for any illness.

22       “(ii) A contingency operation specified in this clause  
23 is any of the following:

24               “(I) Operation Enduring Freedom.

25               “(II) Operation Freedom’s Sentinel.

1 “(III) Operation Iraqi Freedom.

2 “(IV) Operation New Dawn.

3 “(V) Operation Inherent Resolve.

4 “(VI) Resolute Support Mission.”; and

5 (B) in paragraph (2)(B)—

6 (i) by striking “or (F)” and inserting

7 “(F), (G), (H), or (I)”;

8 (ii) by striking “service or testing”

9 and inserting “service, testing, or activity”.

10 (2) PHASE IN.—Such subsection is further  
 11 amended by adding at the end the following new  
 12 paragraph:

13 “(6)(A) The Secretary shall determine the dates in  
 14 subparagraphs (G), (H), and (I) of paragraph (1) as fol-  
 15 lows:

16 “(i) October 1, 2024, with respect to a veteran  
 17 described in such subparagraph (G) or (H) who was  
 18 discharged or released from the active military,  
 19 naval, air, or space service during the period begin-  
 20 ning on August 2, 1990, and ending on September  
 21 11, 2001.

22 “(ii) October 1, 2026, with respect to a veteran  
 23 described in such subparagraph (G) or (H) who was  
 24 discharged or released from the active military,  
 25 naval, air, or space service during the period begin-



1       ning on September 12, 2001, and ending on Decem-  
2       ber 31, 2006.

3               “(iii) October 1, 2028, with respect to a veteran  
4       described in such subparagraph (G) or (H) who was  
5       discharged or released from the active military,  
6       naval, air, or space service during the period begin-  
7       ning on January 1, 2007, and ending on December  
8       31, 2012.

9               “(iv) October 1, 2030, with respect to a veteran  
10      described in such subparagraph (G) or (H) who was  
11      discharged or released from the active military,  
12      naval, air, or space service during the period begin-  
13      ning on January 1, 2013, and ending on December  
14      31, 2018.

15              “(v) October 1, 2032, with respect to a veteran  
16      described in such subparagraph (I).

17      “(B) The Secretary may modify a date specified in  
18      subparagraph (A) to an earlier date, as the Secretary de-  
19      termines appropriate based on the number of veterans re-  
20      ceiving hospital care, medical services, and nursing home  
21      care under subparagraphs (G), (H), and (I) of paragraph  
22      (1) and the resources available to the Secretary. If the  
23      Secretary determines to so modify a date, the Secretary  
24      shall—

1 “(i) notify the Committees on Veterans’ Affairs  
2 of the House of Representatives and the Senate of  
3 the proposed modification; and

4 “(ii) publish such modified date in the Federal  
5 Register.”.

6 (b) OUTREACH PLANS.—With respect to each of  
7 clauses (i) through (v) of section 1710(e)(6)(A) of title  
8 38, United States Code (as added by subsection (a)(2)),  
9 not later than 180 days prior to the date specified in the  
10 clause (including a date modified pursuant to such sec-  
11 tion), the Secretary shall submit to the Committees on  
12 Veterans’ Affairs of the House of Representatives and the  
13 Senate a plan to conduct outreach to the veterans referred  
14 to in the clause to notify such veterans of their eligibility  
15 for hospital care, medical services, or nursing home care  
16 under subparagraph (G), (H), or (I), of section 1710(e)(1)  
17 of such title, as the case may be.

18 **SEC. 104. ASSESSMENTS OF IMPLEMENTATION AND OPER-**  
19 **ATION.**

20 (a) INITIAL RESOURCE ASSESSMENT AND RE-  
21 PORT.—Not later than 180 days after the date of the en-  
22 actment of this Act, the Secretary of Veterans Affairs  
23 shall—

24 (1) complete an assessment to determine—

1 (A) the personnel and material resources  
2 necessary to implement section 103 (including  
3 the amendments made by such section); and

4 (B) the total number of covered veterans,  
5 as such term is defined in section 1119(c) of  
6 title 38, United States Code (as added by sec-  
7 tion 302), who receive hospital care or medical  
8 services furnished by the Secretary under chap-  
9 ter 17 of such title, disaggregated by priority  
10 group specified in section 1705(a) of such title;  
11 and

12 (2) submit to the Committees on Veterans' Af-  
13 fairs of the House of Representatives and the Senate  
14 a report containing the findings of the assessment  
15 completed under paragraph (1), including a specific  
16 determination as to whether the Department has the  
17 personnel and material resources necessary to imple-  
18 ment section 103.

19 (b) INFORMATION SYSTEMS.—Not later than October  
20 1, 2024, the Secretary shall establish information systems  
21 to assess the implementation of section 103, including the  
22 amendments made by such section, and use the results  
23 of assessments under such systems to inform the reports  
24 under subsection (c).

25 (c) ANNUAL REPORTS.—

1           (1) REPORTS.—Not later than October 1, 2025,  
2           and on an annual basis thereafter until October 1,  
3           2033, the Secretary shall submit to the Committees  
4           on Veterans’ Affairs of the House of Representatives  
5           and the Senate a report on the following:

6                   (A) The effect of the implementation of,  
7                   and the provision and management of care  
8                   under, section 103, (including the amendments  
9                   made by such section) on the demand by vet-  
10                  erans described in subparagraphs (G), (H), and  
11                  (I) of section 1710(e)(1) of title 38, United  
12                  States Code (as added by such section 103) for  
13                  health care services furnished by the Secretary.

14                  (B) Any differing patterns of demand for  
15                  health care services by such veterans,  
16                  disaggregated by factors such as the relative  
17                  distance of the veteran from medical facilities of  
18                  the Department and whether the veteran had  
19                  previously received hospital care or medical  
20                  services furnished by the Secretary under chap-  
21                  ter 17 of such title.

22                  (C) The extent to which the Secretary has  
23                  met such demand.

24                  (D) Any changes, during the year covered  
25                  by the report, in the delivery patterns of health

1 care furnished by the Secretary under chapter  
2 17 of such title, and the fiscal impact of such  
3 changes.

4 (2) MATTERS.—Each report under paragraph  
5 (1) shall include, with respect to the year covered by  
6 the report, detailed information on the following:

7 (A) The total number of veterans enrolled  
8 in the patient enrollment system who, during  
9 such year, received hospital care or medical  
10 services furnished by the Secretary under chap-  
11 ter 17 of title 38, United States Code.

12 (B) Of the veterans specified in subpara-  
13 graph (A), the number of such veterans who,  
14 during the preceding three fiscal years, had not  
15 received such care or services.

16 (C) With respect to the veterans specified  
17 in subparagraph (B), the cost of providing  
18 health care to such veterans during the year  
19 covered by the report, shown in total and  
20 disaggregated by—

21 (i) the level of care; and

22 (ii) whether the care was provided  
23 through the Veterans Community Care  
24 Program.

1 (D) With respect to the number of vet-  
2 erans described in subparagraphs (G), (H), and  
3 (I) of section 1710(e)(1) of title 38, United  
4 States Code (as added by section 103), the fol-  
5 lowing (shown in total and disaggregated by  
6 medical facility of the Department, as applica-  
7 ble):

8 (i) The number of such veterans who,  
9 during the year covered by the report, en-  
10 rolled in the patient enrollment system.

11 (ii) The number of such veterans who  
12 applied for, but were denied, such enroll-  
13 ment.

14 (iii) The number of such veterans who  
15 were denied hospital care or a medical  
16 service furnished by the Secretary that was  
17 considered to be medically necessary but  
18 not of an emergency nature.

19 (E) The numbers and characteristics of,  
20 and the type and extent of health care fur-  
21 nished by the Secretary to, veterans enrolled in  
22 the patient enrollment system (shown in total  
23 and disaggregated by medical facility of the De-  
24 partment).

1 (F) The numbers and characteristics of,  
2 and the type and extent of health care fur-  
3 nished by the Secretary to, veterans not en-  
4 rolled in the patient enrollment system  
5 (disaggregated by each class of eligibility for  
6 care under section 1710 of title 38, United  
7 States Code, and further shown as a total per  
8 class and disaggregated by medical facility of  
9 the Department).

10 (G) The specific fiscal impact (shown in  
11 total and disaggregated by geographic health  
12 care delivery areas) of changes in the delivery  
13 patterns of health care furnished by the Sec-  
14 retary under chapter 17 of such title as a result  
15 of the implementation of section 103 (including  
16 the amendments made by such section).

17 (d) DEFINITIONS.—In this section:

18 (1) The term “patient enrollment system”  
19 means the patient enrollment system of the Depart-  
20 ment of Veterans Affairs established and operated  
21 under section 1705 of title 38, United States Code.

22 (2) The term “Veterans Community Care Pro-  
23 gram” means the program established under section  
24 1703 of title 38, United States Code.

1 **SEC. 105. REVISION OF BREAST CANCER MAMMOGRAPHY**  
2 **POLICY OF DEPARTMENT OF VETERANS AF-**  
3 **FAIRS TO PROVIDE MAMMOGRAPHY SCREEN-**  
4 **ING FOR VETERANS WHO SERVED IN LOCA-**  
5 **TIONS ASSOCIATED WITH TOXIC EXPOSURE.**

6 (a) IN GENERAL.—Section 7322 of title 38, United  
7 States Code, is amended—

8 (1) in subsection (a), by striking “The” and in-  
9 serting “IN GENERAL.—The”;

10 (2) in subsection (b)—

11 (A) by striking “The” and inserting  
12 “STANDARDS FOR SCREENING.—The”; and

13 (B) in paragraph (2)(B), by inserting “a  
14 record of service in a location and during a pe-  
15 riod specified in subsection (d),” after “risk  
16 factors,”; and

17 (3) by adding at the end the following new sub-  
18 sections:

19 “(c) ELIGIBILITY FOR SCREENING FOR VETERANS  
20 EXPOSED TO TOXIC SUBSTANCES.—The Under Secretary  
21 for Health shall ensure that, under the policy developed  
22 under subsection (a), any veteran who, during active mili-  
23 tary, naval, or air service, was deployed in support of a  
24 contingency operation in a location and during a period  
25 specified in subsection (d), is eligible for a mammography  
26 screening by a health care provider of the Department.



1       “(d) LOCATIONS AND PERIODS SPECIFIED.—(1) The  
2 locations and periods specified in this subsection are the  
3 following:

4           “(A) Iraq during following periods:

5               “(i) The period beginning on August 2,  
6 1990, and ending on February 28, 1991.

7               “(ii) The period beginning on March 19,  
8 2003, and ending on such date as the Secretary  
9 determines burn pits are no longer used in Iraq.

10          “(B) The Southwest Asia theater of operations,  
11 other than Iraq, during the period beginning on Au-  
12 gust 2, 1990, and ending on such date as the Sec-  
13 retary determines burn pits are no longer used in  
14 such location, including the following locations:

15               “(i) Kuwait.

16               “(ii) Saudi Arabia.

17               “(iii) Oman.

18               “(iv) Qatar.

19          “(C) Afghanistan during the period beginning  
20 on September 11, 2001, and ending on such date as  
21 the Secretary determines burn pits are no longer  
22 used in Afghanistan.

23          “(D) Djibouti during the period beginning on  
24 September 11, 2001, and ending on such date as the

1 Secretary determines burn pits are no longer used in  
2 Djibouti.

3 “(E) Syria during the period beginning on Sep-  
4 tember 11, 2001, and ending on such date as the  
5 Secretary determines burn pits are no longer used in  
6 Syria.

7 “(F) Jordan during the period beginning on  
8 September 11, 2001, and ending on such date as the  
9 Secretary determines burn pits are no longer used in  
10 Jordan.

11 “(G) Egypt during the period beginning on  
12 September 11, 2001, and ending on such date as the  
13 Secretary determines burn pits are no longer used in  
14 Egypt.

15 “(H) Lebanon during the period beginning on  
16 September 11, 2001, and ending on such date as the  
17 Secretary determines burn pits are no longer used in  
18 Lebanon.

19 “(I) Yemen during the period beginning on  
20 September 11, 2001, and ending on such date as the  
21 Secretary determines burn pits are no longer used in  
22 Yemen.

23 “(J) Such other locations and corresponding pe-  
24 riods as set forth by the Airborne Hazards and Open  
25 Burn Pit Registry established under section 201 of

1 the Dignified Burial and Other Veterans' Benefits  
2 Improvement Act of 2012 (Public Law 112–260; 38  
3 U.S.C. 527 note).

4 “(K) Such other locations and corresponding  
5 periods as the Secretary, in collaboration with the  
6 Secretary of Defense, may determine appropriate in  
7 a report submitted under paragraph (2).

8 “(2) Not later than two years after the date of the  
9 enactment of the Supporting Expanded Review for Vet-  
10 erans In Combat Environments Act of 2021, and not less  
11 frequently than once every two years thereafter, the Sec-  
12 retary of Veterans Affairs, in collaboration with the Sec-  
13 retary of Defense, shall submit to Congress a report speci-  
14 fying other locations and corresponding periods for pur-  
15 poses of paragraph (1)(K).

16 “(3) A location under this subsection shall not in-  
17 clude any body of water around or any airspace above such  
18 location.

19 “(4) In this subsection, the term ‘burn pit’ means an  
20 area of land that is used for disposal of solid waste by  
21 burning in the outdoor air.”.

22 (b) REPORT ON BREAST CANCER RATES FOR VET-  
23 ERANS DEPLOYED TO CERTAIN AREAS.—Not later than  
24 two years after the date of the enactment of this Act, the  
25 Secretary of Veterans Affairs shall submit to the Com-

1 mittee on Veterans' Affairs of the Senate and the Com-  
 2 mittee on Veterans' Affairs of the House of Representa-  
 3 tives a report that compares the rates of breast cancer  
 4 among members of the Armed Forces deployed to the loca-  
 5 tions and during the periods specified in section 7322(d)  
 6 of title 38, United States Code, as added by subsection  
 7 (a), as compared to members of the Armed Forces who  
 8 were not deployed to those locations during those periods  
 9 and to the civilian population.

## 10 **Subtitle B—Certain Veterans of** 11 **Combat Service and Other Matters**

### 12 **SEC. 111. EXPANSION OF PERIOD OF ELIGIBILITY FOR** 13 **HEALTH CARE FOR CERTAIN VETERANS OF** 14 **COMBAT SERVICE.**

15 (a) EXPANDED PERIOD.—Section 1710(e)(3) is  
 16 amended—

17 (1) in subparagraph (A)—

18 (A) by striking “January 27, 2003” and  
 19 inserting “September 11, 2001”; and

20 (B) by striking “five-year period” and in-  
 21 serting “10-year period”;

22 (2) by amending subparagraph (B) to read as  
 23 follows:

24 “(B) With respect to a veteran described in  
 25 paragraph (1)(D) who was discharged or released

1 from the active military, naval, air, or space service  
2 after September 11, 2001, and before October 1,  
3 2013, but did not enroll to receive such hospital  
4 care, medical services, or nursing home care under  
5 such paragraph pursuant to subparagraph (A) be-  
6 fore October 1, 2022, the one-year period beginning  
7 on October 1, 2022.”; and

8 (3) by striking subparagraph (C).

9 (b) CLARIFICATION OF COVERAGE.—Section  
10 1710(e)(1)(D) is amended by inserting after “Persian  
11 Gulf War” the following: “(including any veteran who, in  
12 connection with service during such period, received the  
13 Armed Forces Expeditionary Medal, Service Specific Ex-  
14 peditionary Medal, Combat Era Specific Expeditionary  
15 Medal, Campaign Specific Medal, or any other combat the-  
16 ater award established by a Federal statute or an Execu-  
17 tive order)”.

18 (c) OUTREACH PLAN.—Not later than December 1,  
19 2022, the Secretary shall submit to the Committees on  
20 Veterans’ Affairs of the House of Representatives and the  
21 Senate a plan to conduct outreach to veterans described  
22 in subparagraph (B) of section 1710(e)(3) of title 38,  
23 United States Code, as amended by subsection (a)(2), to  
24 notify such veterans of their eligibility for hospital care,

1 medical services, or nursing home care pursuant to such  
2 subparagraph.

3 (d) REPORT ON ENROLLMENTS.—Not later than  
4 January 30, 2024, the Secretary shall submit to the Com-  
5 mittees on Veterans’ Affairs of the House of Representa-  
6 tives and the Senate a report identifying, with respect to  
7 the one-year period beginning on October 1, 2022, the  
8 number of veterans described in section 1710(e)(3)(B) of  
9 title 38, United States Code, as amended by subsection  
10 (a)(2), who, during such period, enrolled in the patient  
11 enrollment system of the Department of Veterans Affairs  
12 established and operated under section 1705 of such title.

13 (e) EFFECTIVE DATE.—This section and the amend-  
14 ments made by this section shall take effect on October  
15 1, 2022.

16 **SEC. 112. AUTHORIZATION PERIOD FOR EMERGENCY**  
17 **TREATMENT IN NON-DEPARTMENT OF VET-**  
18 **ERANS AFFAIRS MEDICAL FACILITIES.**

19 Section 1703(a)(3) of title 38, United States Code,  
20 is amended—

21 (1) by striking “A covered veteran” and insert-  
22 ing “(A) Except as provided by subparagraph (B),  
23 a covered veteran”; and

24 (2) by adding at the end the following new sub-  
25 paragraph:

1       “(B) In the case of an emergency which existed at  
 2 the time of admission of a covered veteran to a health care  
 3 provider, the Secretary shall deem the care or services re-  
 4 ceived by the veteran during such admission to be author-  
 5 ized under subparagraph (A) if the covered veteran (or  
 6 an individual acting on behalf of the covered veteran)  
 7 makes an application for such authorization during the pe-  
 8 riod following such admission that the Secretary deter-  
 9 mines appropriate for purposes of this paragraph, except  
 10 such period may not be less than 96 hours.”.

## 11       **TITLE II—TOXIC EXPOSURE** 12       **PRESUMPTION PROCESS**

### 13       **SEC. 201. SHORT TITLE.**

14       This subtitle may be cited as the “Fairly Assessing  
 15 Service-related Toxic Exposure Residuals Presumptions  
 16 Act” or the “FASTER Presumptions Act”.

### 17       **SEC. 202. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF** 18               **VETERANS AFFAIRS TO ESTABLISH PRE-** 19               **SUMPTIONS OF SERVICE CONNECTION** 20               **BASED ON TOXIC EXPOSURE.**

21       (a) ADVISORY COMMITTEES, PANELS, AND  
 22 BOARDS.—Chapter 11 is amended by adding at the end  
 23 the following new subchapter:

1 “SUBCHAPTER VII—DETERMINATIONS RELAT-  
2 ING TO PRESUMPTIONS OF SERVICE CON-  
3 NECTION BASED ON TOXIC EXPOSURE

4 “§ 1171. **Procedures to determine presumptions of**  
5 **service connection based on toxic expo-**  
6 **sure; definitions**

7 “(a) PROCEDURES.—The Secretary shall determine  
8 whether to establish, or to remove, presumptions of service  
9 connection based on toxic exposure pursuant to this sub-  
10 chapter, whereby—

11 “(1) the Formal Advisory Committee on Toxic  
12 Exposure under section 1172 of this title—

13 “(A) provides advice to the Secretary on  
14 toxic-exposed veterans and cases in which vet-  
15 erans who, during active military, naval, air, or  
16 space service, may have experienced a toxic ex-  
17 posure or their dependents may have experi-  
18 enced a toxic exposure while the veterans were  
19 serving in the active military, naval, air, or  
20 space service;

21 “(B) provides to the Secretary rec-  
22 ommendations on corrections needed in the In-  
23 dividual Longitudinal Exposure Record, or suc-  
24 cesssor system, to better reflect veterans and de-  
25 pendents described in subparagraph (A); and



1                   “(C) provides to the Secretary rec-  
2                   ommendations regarding which cases of possible  
3                   toxic exposure should be reviewed; and

4                   “(2) the Secretary provides for formal evalua-  
5                   tions of such recommendations under section 1173  
6                   of this title; and

7                   “(3) the Secretary issues regulations under sec-  
8                   tion 1174 of this title.

9                   “(b) ILLNESS DEFINED.—In this subchapter, the  
10                  term ‘illness’ includes a disease or other condition affect-  
11                  ing the health of an individual, including mental and phys-  
12                  ical health.

13                  **“§ 1172. Formal Advisory Committee on Toxic Expo-**  
14                  **sure**

15                  “(a) ESTABLISHMENT.—(1) There is in the Veterans  
16                  Health Administration of the Department the Formal Ad-  
17                  visory Committee on Toxic Exposure (in this section re-  
18                  ferred to as the ‘Committee’).

19                  “(2)(A) The Committee shall be composed of nine  
20                  members appointed as follows:

21                         “(i) Five members shall be appointed by the  
22                         Secretary.

23                         “(ii) One member shall be appointed by the  
24                         Speaker of the House of Representatives.

1           “(iii) One member shall be appointed by the mi-  
2           nority leader of the House of Representatives.

3           “(iv) One member shall be appointed by the  
4           majority leader of the Senate.

5           “(v) One member shall be appointed by the mi-  
6           nority leader of the Senate.

7           “(B) The members appointed under subparagraph  
8 (A) shall meet the following criteria:

9           “(i) Not more than three members shall be ap-  
10          pointed from among individuals who are officials or  
11          employees of the Veterans Benefits Administration  
12          or the Veterans Health Administration.

13          “(ii) At least one member shall be appointed  
14          from among individuals who are officials or employ-  
15          ees of other departments or agencies of the Federal  
16          Government, including the Department of Defense  
17          and the Agency of Toxic Substances and Disease  
18          Registry of the Centers for Disease Control and Pre-  
19          vention.

20          “(iii) At least two members shall represent an  
21          organization recognized by the Secretary for the rep-  
22          resentation of veterans under section 5902 of this  
23          title.

24          “(iv) At least one member shall be appointed  
25          from among individuals in the private sector, State

1 or local government, or academia, who are experts in  
2 toxicology and epidemiology.

3 “(3) The Secretary shall determine the pay and al-  
4 lowances of the members of the Committee, including with  
5 respect to any additional pay and allowances for members  
6 who are officials or employees of the Federal Government.

7 “(4)(A) Except as provided by subparagraph (B),  
8 each member of the Committee shall be appointed for a  
9 two-year term, and may serve not more than three succes-  
10 sive terms.

11 “(B) With respect to the five members who are ini-  
12 tially appointed by the Secretary under subparagraph  
13 (A)(i), the Secretary shall determine the length of the  
14 term of each such member in a manner that ensures the  
15 expiration of the terms on a staggered basis.

16 “(5) A vacancy in the Committee shall be filled in  
17 the manner in which the original appointment was made.

18 “(b) CONSULTATION.—The Secretary may consult  
19 with, and seek the advice of, the Committee with respect  
20 to cases in which veterans who, during active military,  
21 naval, air, or space service, are suspected of having experi-  
22 enced a toxic exposure or dependents of veterans who may  
23 have experienced a toxic exposure during such service.

24 “(c) ASSESSMENTS.—(1) The Committee shall assess  
25 cases of the toxic exposure of veterans and their depend-

1 ents that occurred during active military, naval, air, or  
2 space service, including by conducting ongoing surveillance  
3 and reviewing such exposure described in scientific lit-  
4 erature, media reports, information from veterans, and in-  
5 formation from Congress.

6 “(2) The assessments under paragraph (1) shall  
7 cover suspected and known toxic exposures occurring dur-  
8 ing active military, naval, air, or space service, including  
9 by identifying and evaluating new and emerging toxic ex-  
10 posures that are not recognized under existing presump-  
11 tions of service connection.

12 “(3) The Committee may conduct an assessment  
13 under paragraph (1) in response to comments by a person  
14 described in subsection (e)(2), by a majority vote of the  
15 members of the Committee.

16 “(4) The Committee shall on a periodic basis assess  
17 the Individual Longitudinal Exposure Record, or successor  
18 system, to ensure the accuracy of data collected.

19 “(d) RESEARCH RECOMMENDATIONS.—(1) Following  
20 an assessment of a case of the toxic exposure of veterans  
21 or their dependents that occurred during active military,  
22 naval, air, or space service under subsection (c), the Com-  
23 mittee may develop a recommendation for formal evalua-  
24 tion under section 1173 of this title to conduct a review  
25 of the health effects related to the case of exposure if the

1 Committee determines that the research may change the  
2 current understanding of the relationship between an ex-  
3 posure to an environmental hazard and adverse health  
4 outcomes in humans.

5 “(2) Upon receipt of evidence suggesting that pre-  
6 vious findings regarding the periods and locations of expo-  
7 sure covered by an existing presumption of service connec-  
8 tion are no longer supported, the Committee may nomi-  
9 nate such evidence for formal evaluation under section  
10 1173 of this title to modify the periods and locations.

11 “(e) INPUT.—(1) Not less than quarterly, the Com-  
12 mittee shall provide an opportunity for persons described  
13 in paragraph (2) to present written or oral comments to  
14 the Committee.

15 “(2) The persons described in this paragraph are per-  
16 sons who may be affected by the actions of the Committee,  
17 including—

18 “(A) veterans, the families of veterans, veterans  
19 service organizations and representatives, research-  
20 ers, and other members of the general public; and

21 “(B) departments and agencies of the Federal  
22 Government.

23 “(f) REPORTS BY THE COMMITTEE.—Not less fre-  
24 quently than once each year, the Committee shall submit  
25 to the Secretary and the Committees on Veterans’ Affairs

1 of the Senate and the House of Representatives, and make  
2 publicly available, a report on—

3 “(1) recommendations for research under sub-  
4 section (d), if any; and

5 “(2) recommendations for such legislative or  
6 administrative action as the Committee considers  
7 necessary for the Committee to be more effective in  
8 carrying out the requirements of this section.

9 “(g) RESPONSES BY SECRETARY.—In response to  
10 each report submitted under subsection (f), the Secretary  
11 shall submit to the Secretary and the Committees on Vet-  
12 erans’ Affairs of the Senate and the House of Representa-  
13 tives, and make publicly available, a report on—

14 “(1) the findings and opinions of the Secretary  
15 with respect to the report most recently submitted  
16 under subsection (f); and

17 “(2) whether the Secretary will conduct re-  
18 search recommended under subsection (f) included  
19 in the report, and if not, an explanation of why, in-  
20 cluding citations and sources.

21 “(h) NONAPPLICATION OF SUNSET REQUIRE-  
22 MENTS.—Section 14 of the Federal Advisory Committee  
23 Act (5 U.S.C. App.) shall not apply to the Committee.

1 **“§ 1173. Formal evaluation of recommendations**

2 “(a) FORMAL EVALUATION.—The Secretary shall es-  
3 tablish a process to conduct a formal evaluation with re-  
4 spect to each recommendation made by the Formal Advi-  
5 sory Committee on Toxic Exposure under section 1172 of  
6 this title—

7 “(1) to conduct research regarding the health  
8 effects related to a case of toxic exposure; or

9 “(2) to evaluate evidence regarding the periods  
10 and locations of exposure covered by an existing pre-  
11 sumption of service connection.

12 “(b) EVIDENCE, DATA, AND FACTORS.—The Sec-  
13 retary shall ensure that each formal evaluation under  
14 paragraph (1) covers the following:

15 “(1) Scientific evidence, based on the review of  
16 available scientific literature, including human, toxi-  
17 cological, animal, and methodological studies, and  
18 other factors.

19 “(2) Claims data, based on the review of claim  
20 rate, grant rate, and service connection prevalence,  
21 and other factors.

22 “(3) Other factors the Secretary determines ap-  
23 propriate, such as—

24 “(A) the level of disability and mortality  
25 caused by the health effects related to the case  
26 of toxic exposure being evaluated;

1           “(B) the level of assistance required to re-  
2           main in the community because of such health  
3           effects;

4           “(C) the quantity and quality of the infor-  
5           mation available and reviewed;

6           “(D) the feasibility of and period for gen-  
7           erating relevant information and evidence;

8           “(E) whether such health effects are  
9           combat- or deployment-related; and

10          “(F) the ubiquity or rarity of the health  
11          effects.

12          “(c) CONDUCT OF EVALUATIONS.—(1) The Secretary  
13          shall ensure that each formal evaluation under subsection  
14          (a)—

15               “(A) reviews scientific evidence in a manner  
16               that—

17                       “(i) conforms to principles of scientific and  
18                       data integrity;

19                       “(ii) is free from suppression or distortion  
20                       of scientific or technological findings, data, in-  
21                       formation, conclusions, or technical results; and

22               “(B)(i) evaluates the likelihood that a positive  
23               association exists between an illness and a toxic ex-  
24               posure while serving in the active military, naval,  
25               air, or space service; and



1           “(ii) assesses the toxic exposures and illnesses  
2           and determines whether the evidence supports a  
3           finding of a positive association between the toxic  
4           exposure and the illness.

5           “(2) In carrying out paragraph (1)(B)(ii), a formal  
6           evaluation under subsection (a) shall include reviewing all  
7           relevant data to determine the strength of evidence for a  
8           positive association based on the following four categories:

9           “(A) The ‘sufficient’ category, where the evi-  
10          dence is sufficient to conclude that a positive asso-  
11          ciation exists.

12          “(B) The ‘equipoise and above’ category, where  
13          the evidence is sufficient to conclude that a positive  
14          association is at least as likely as not, but not suffi-  
15          cient to conclude that a positive association exists.

16          “(C) The ‘below equipoise’ category, where the  
17          evidence is not sufficient to conclude that a positive  
18          association is at least as likely as not, or is not suffi-  
19          cient to make a scientifically informed judgment.

20          “(D) The ‘against’ category, where the evidence  
21          suggests the lack of a positive association.

22          “(d) RECOMMENDATION FOR RULEMAKING.—Not  
23          later than 120 days after the date on which a formal eval-  
24          uation is commenced, the element of the Department that  
25          conducts the evaluation shall submit to the Secretary a

1 recommendation with respect to establishing a presump-  
2 tion of service connection for the toxic exposure and ill-  
3 ness, or modifying an existing presumption of service con-  
4 nection, covered by the evaluation.

5 **“§ 1174. Regulations regarding presumptions of serv-**  
6 **ice connection based on toxic exposure**

7 “(a) ACTION UPON RECOMMENDATION.—Not later  
8 than 160 days after the date on which the Secretary re-  
9 ceives a recommendation to establish or modify a pre-  
10 sumption of service connection under section 1173 of this  
11 title—

12 “(1) if the Secretary determines that the pre-  
13 sumption, or modification, is warranted, the Sec-  
14 retary shall commence issuing regulations in accord-  
15 ance with the provisions of subchapter II of chapter  
16 5 of title 5 (commonly referred to as the Administra-  
17 tive Procedures Act) setting forth the presumption  
18 or commence revising regulations to carry out such  
19 modification; or

20 “(2) if the Secretary determines that the pre-  
21 sumption, or modification, is not warranted, the Sec-  
22 retary shall publish in the Federal Register a notice  
23 of the determination, including the reasons sup-  
24 porting the determination.

1       “(b) REMOVAL OF PRESUMPTION.—(1) The Sec-  
2 retary may issue regulations to remove an illness from a  
3 presumption of service connection previously established  
4 pursuant to a regulation issued under subsection (a).

5       “(2) Whenever an illness is removed from regulations  
6 pursuant to paragraph (1), or the periods and locations  
7 of exposure covered by a presumption of service connection  
8 are modified under subsection (a)—

9               “(A) a veteran who was awarded compensation  
10 for such illness on the basis of the presumption pro-  
11 vided under such regulations before the effective  
12 date of the removal or modification shall continue to  
13 be entitled to receive compensation on that basis;  
14 and

15              “(B) a survivor of a veteran who was awarded  
16 dependency and indemnity compensation for the  
17 death of a veteran resulting from such illness on the  
18 basis of such presumption shall continue to be enti-  
19 tled to receive dependency and indemnity compensa-  
20 tion on such basis.

21 **“§ 1175. Authority to modify process; congressional**  
22 **oversight**

23       “(a) AUTHORITY.—(1) The Secretary may modify the  
24 process under which the Secretary conducts formal evalua-

1 tions under section 1173 of this title and issues regula-  
2 tions under section 1174 if—

3 “(A) such evaluations cover the evidence, data,  
4 and factors required by subsection (b) of such sec-  
5 tion 1173; and

6 “(B) a period of 180 days has elapsed following  
7 the date on which the Secretary submits the notice  
8 under paragraph (2) regarding the modification.

9 “(2) If the Secretary proposes to modify the process  
10 under which the Secretary conducts formal evaluations  
11 under section 1173 of this title or issues regulations under  
12 section 1174, the Secretary shall submit to the Commit-  
13 tees on Veterans’ Affairs of the House of Representatives  
14 and the Senate a notice of the proposed modifications con-  
15 taining the following:

16 “(A) A description of the proposed modifica-  
17 tions.

18 “(B) A description of any exceptions to the re-  
19 quirements of such sections that are proposed be-  
20 cause of limited available scientific evidence, and a  
21 description of how such evaluations will be con-  
22 ducted.

23 “(b) REPORTS AND BRIEFINGS.—(1)(A) Not later  
24 than two years after the date of the enactment of the Hon-  
25 oring our Promise to Address Comprehensive Toxics Act

1 of 2021, the Secretary shall submit to the Committees on  
2 Veterans' Affairs of the House of Representatives and the  
3 Senate a report on the implementation of, and rec-  
4 ommendations for, this subchapter.

5 “(B) The Secretary shall develop the report under  
6 subparagraph (A) in consultation with organizations rec-  
7 ognized by the Secretary for the representation of veterans  
8 under section 5902 of this title and any other entity the  
9 Secretary determines appropriate.

10 “(2) On a quarterly basis during the two-year period  
11 beginning on the date of the enactment of the Honoring  
12 our Promise to Address Comprehensive Toxics Act of  
13 2021, the Secretary shall provide to the Committees on  
14 Veterans' Affairs of the House of Representatives and the  
15 Senate a briefing on the implementation of this sub-  
16 chapter.

17 “(c) INDEPENDENT REVIEW.—The Secretary shall  
18 seek to enter into an agreement with a nongovernmental  
19 entity or a federally funded research and development cen-  
20 ter to conduct a review of the implementation of this sub-  
21 chapter. Not later than 540 days after the date of the  
22 enactment of the Honoring our Promise to Address Com-  
23 prehensive Toxics Act of 2021, the Secretary shall submit  
24 to the Committees on Veterans' Affairs of the House of

1 Representatives and the Senate a report containing such  
2 review.”.

3 (b) CONFORMING AMENDMENTS.—Chapter 11 is  
4 amended—

5 (1) in section 1116—

6 (A) by striking subsections (b), (c), (d),  
7 and (e);

8 (B) by inserting after subsection (a) the  
9 following new subsection (b):

10 “(b) The Secretary shall ensure that any determina-  
11 tion made on or after the date of the enactment of the  
12 Honoring our Promise to Address Comprehensive Toxics  
13 Act of 2021 regarding a presumption of service connection  
14 based on exposure to an herbicide agent under this section  
15 is made pursuant to subchapter VII of this chapter, in-  
16 cluding with respect to assessing reports received by the  
17 Secretary from the National Academy of Sciences under  
18 section 3 of the Agent Orange Act of 1991 (Public Law  
19 102–4).”; and

20 (C) by redesignating subsection (f) as sub-  
21 section (e);

22 (2) in section 1116B(b)(2)(A), by inserting  
23 “pursuant to subchapter VII of this chapter,” before  
24 “the Secretary determines”; and

25 (3) in section 1118—

1 (A) by striking subsections (b) through (e);

2 and

3 (B) by inserting after subsection (a) the

4 following new subsection (b):

5 “(b) The Secretary shall ensure that any determina-  
6 tion made on or after the date of the enactment of the  
7 Honoring our Promise to Address Comprehensive Toxics  
8 Act of 2021 regarding a presumption of service connection  
9 based on a toxic exposure under this section is made pur-  
10 suant to subchapter VII of this chapter.”.

11 (c) RULE OF CONSTRUCTION.—Nothing in section  
12 1172(a)(2)(A) of title 38, United States Code, as added  
13 by subsection (a), shall be construed so as to require the  
14 advice and consent of the Senate in the appointment of  
15 members of the Formal Advisory Committee on Toxic Ex-  
16 posure.

17 **SEC. 203. REEVALUATION OF CLAIMS FOR COMPENSATION**  
18 **INVOLVING PRESUMPTIONS OF SERVICE**  
19 **CONNECTION.**

20 (a) IN GENERAL.—Subchapter VI of chapter 11 is  
21 amended by adding at the end the following new section:

1 **“§ 1167. Reevaluation of compensation determina-**  
2 **tions pursuant to changes in presump-**  
3 **tions of service connection**

4 “(a) REEVALUATION.—Whenever a law, including  
5 through a regulation or Federal court decision, establishes  
6 or modifies a presumption of service connection, the Sec-  
7 retary shall—

8 “(1) identify all claims for compensation under  
9 this chapter that—

10 “(A) were submitted to the Secretary;

11 “(B) were evaluated and denied by the  
12 Secretary before the date on which such provi-  
13 sion of law went into effect; and

14 “(C) might have been evaluated differently  
15 had the establishment or modification been ap-  
16 plicable to the claim;

17 “(2) allow for the reevaluation of such claims at  
18 the election of the veteran; and

19 “(3) notwithstanding section 5110 of this title,  
20 with respect to claims approved pursuant to such re-  
21 evaluation, provide compensation under this chapter  
22 effective as if the establishment or modification of  
23 the presumption of service connection had been in  
24 effect on the date of the submission of the original  
25 claim described in paragraph (1).



1       “(b) OUTREACH.—The Secretary shall conduct out-  
2 reach to inform relevant veterans that they may elect to  
3 have a claim be reevaluated in light of the establishment  
4 or modification of a presumption of service connection de-  
5 scribed in subsection (a). Such outreach shall include the  
6 following:

7               “(1) The Secretary shall publish on the internet  
8 website of the Department a notice that such vet-  
9 erans may elect to have a claim so reevaluated.

10              “(2) The Secretary shall notify, in writing or by  
11 electronic means, veterans service organizations of  
12 the ability of such veterans to elect to have a claim  
13 so reevaluated.”.

14       (b) APPLICATION.—Section 1167 of title 38, United  
15 States Code, as added by subsection (a), shall apply with  
16 respect to presumptions of service connection established  
17 or modified on or after the date of the enactment of this  
18 Act, including pursuant to amendments made by this Act.

19 **TITLE III—IMPROVING THE ES-**  
20 **TABLISHMENT OF SERVICE**  
21 **CONNECTION PROCESS FOR**  
22 **TOXIC-EXPOSED VETERANS**

23 **SEC. 301. SHORT TITLE.**

24       This title may be cited as the “Veterans Burn Pits  
25 Exposure Recognition Act”.

1 **SEC. 302. PRESUMPTIONS OF TOXIC EXPOSURE.**

2 Subchapter II of chapter 11 is amended by adding  
3 at the end the following new section:

4 **“§ 1119. Presumptions of toxic exposure**

5 “(a) CONSIDERATION OF RECORDS.—If a veteran  
6 submits to the Secretary a claim for compensation for a  
7 service-connected disability under section 1110 of this title  
8 with evidence of a disability and a toxic exposure that oc-  
9 curred during active military, naval, air, or space service,  
10 the Secretary may, in adjudicating such claim, consider—

11 “(1) any record of the veteran in an exposure  
12 tracking record system; and

13 “(2) if no record of the veteran in an exposure  
14 tracking record system indicates that the veteran  
15 was subject to a toxic exposure during active mili-  
16 tary, naval, air, or space service, the totality of the  
17 circumstances of the service of the veteran.

18 “(b) PRESUMPTION OF SPECIFIC TOXIC EXPOSURE  
19 FOR MEMBERS WHO SERVED IN CERTAIN LOCATIONS.—

20 (1) The Secretary shall, for purposes of section 1110 and  
21 chapter 17 of this title, presume that any covered veteran  
22 was exposed to the substances, chemicals, and airborne  
23 hazards identified in the list under paragraph (2) during  
24 the service of the covered veteran specified in subsection  
25 (c)(1), unless there is affirmative evidence to establish  
26 that the covered veteran was not exposed to any such sub-

1 stances, chemicals, or hazards in connection with such  
2 service.

3 “(2) The Secretary shall establish and maintain a list  
4 that contains an identification of one or more such sub-  
5 stances, chemicals, and airborne hazards as the Secretary,  
6 in collaboration with the Secretary of Defense, may deter-  
7 mine appropriate for purposes of this section.

8 “(3) Beginning not later than two years after the  
9 date of the enactment of the Honoring our Promise to Ad-  
10 dress Comprehensive Toxics Act of 2021, and not less fre-  
11 quently than once every two years thereafter, the Sec-  
12 retary shall submit to the Committees on Veterans’ Affairs  
13 of the House of Representatives and the Senate a report  
14 identifying any additions or removals to the list under  
15 paragraph (2) during the period covered by the report.

16 “(c) DEFINITIONS.—In this section:

17 “(1) The term ‘covered veteran’ means any vet-  
18 eran who—

19 “(A) on or after August 2, 1990, per-  
20 formed active military, naval, air, or space serv-  
21 ice while assigned to a duty station in—

22 “(i) Bahrain;

23 “(ii) Iraq;

24 “(iii) Kuwait;

25 “(iv) Oman;

1 “(v) Qatar;  
2 “(vi) Saudi Arabia;  
3 “(vii) Somalia; or  
4 “(viii) United Arab Emirates; or  
5 “(B) on or after September 11, 2001, per-  
6 formed active military, naval, air, or space serv-  
7 ice while assigned to a duty station in—  
8 “(i) Afghanistan;  
9 “(ii) Djibouti;  
10 “(iii) Egypt;  
11 “(iv) Jordan;  
12 “(v) Lebanon;  
13 “(vi) Syria;  
14 “(vii) Yemen;  
15 “(viii) Uzbekistan;  
16 “(ix) the Philippines; or  
17 “(x) any other country determined rel-  
18 evant by the Secretary.  
19 “(2) The term ‘exposure tracking record sys-  
20 tem’—  
21 “(A) means any system, program, or pilot  
22 program used by the Secretary of Veterans Af-  
23 fairs or the Secretary of Defense to track how  
24 veterans or members of the Armed Forces have

1           been exposed to various occupational or envi-  
2           ronmental hazards; and

3                   “(B) includes the Individual Longitudinal  
4           Exposure Record, or successor system.

5                   “(3) The term ‘toxic exposure risk activity’ has  
6           the meaning given such term in section 1710(e)(4)  
7           of this title.”.

8   **SEC. 303. MEDICAL NEXUS EXAMINATIONS FOR TOXIC EX-**  
9                   **POSURE RISK ACTIVITIES.**

10          Subchapter VI of chapter 11, as amended by section  
11   203, is further amended by adding at the end the following  
12   new section:

13   **“§ 1168. Medical nexus examinations for toxic expo-**  
14                   **sure risk activities**

15          “(a) MEDICAL EXAMINATIONS AND MEDICAL OPIN-  
16   IONS.—(1) Except as provided in subsection (b), if a vet-  
17   eran submits to the Secretary a claim for compensation  
18   for a service-connected disability under section 1110 of  
19   this title with evidence of a disability and evidence of par-  
20   ticipation in a toxic exposure risk activity during active  
21   military, naval, air, or space service, and such evidence  
22   is not sufficient to establish a service connection for the  
23   disability, the Secretary shall—

24                   “(A) provide the veteran with a medical exam-  
25           ination under section 5103A(d) of this title; and

1           “(B) obtain a medical opinion (to be requested  
2       by the Secretary in connection with the medical ex-  
3       amination under subparagraph (A)) as to whether it  
4       is at least as likely as not that there is a nexus be-  
5       tween the disability and the toxic exposure risk ac-  
6       tivity.

7       “(2) When providing the Secretary with a medical  
8       opinion under paragraph (1)(B) for a veteran, the health  
9       care provider shall consider—

10           “(A) the total potential exposure through all  
11       applicable military deployments of the veteran; and

12           “(B) the synergistic, combined effect of all toxic  
13       exposure risk activities of the veteran.

14       “(3) The requirement under paragraph (2)(B) shall  
15       not be construed as requiring a health care provider to  
16       consider the synergistic, combined effect of each of the  
17       substances, chemicals, and airborne hazards identified in  
18       the list under section 1119(b)(2) of this title.

19       “(b) EXCEPTION.—Subsection (a) shall not apply if  
20       the Secretary determines there is no indication of an asso-  
21       ciation between the disability claimed by the veteran and  
22       the toxic exposure risk activity for which the veteran sub-  
23       mitted evidence.

24       “(c) TOXIC EXPOSURE RISK ACTIVITY DEFINED.—  
25       In this section, the term ‘toxic exposure risk activity’ has

1 the meaning given that term in section 1710(e)(4) of this  
2 title.”.

3 **TITLE IV—PRESUMPTIONS OF**  
4 **SERVICE CONNECTION**

5 **SEC. 401. TREATMENT OF VETERANS WHO PARTICIPATED**  
6 **IN CLEANUP OF ENEWETAK ATOLL AS RADI-**  
7 **ATION-EXPOSED VETERANS FOR PURPOSES**  
8 **OF PRESUMPTION OF SERVICE CONNECTION**  
9 **OF CERTAIN DISABILITIES BY DEPARTMENT**  
10 **OF VETERANS AFFAIRS.**

11 (a) SHORT TITLE.—This section may be cited as the  
12 “Mark Takai Atomic Veterans Healthcare Parity Act”.

13 (b) ENEWETAK ATOLL.—Section 1112(c)(3)(B) is  
14 amended by adding at the end the following new clause:

15 “(v) Cleanup of Enewetak Atoll during the  
16 period beginning on January 1, 1977, and end-  
17 ing on December 31, 1980.”.

1 **SEC. 402. TREATMENT OF VETERANS WHO PARTICIPATED**  
2 **IN NUCLEAR RESPONSE NEAR PALOMARES,**  
3 **SPAIN, OR THULE, GREENLAND, AS RADI-**  
4 **ATION-EXPOSED VETERANS FOR PURPOSES**  
5 **OF PRESUMPTION OF SERVICE CONNECTION**  
6 **OF CERTAIN DISABILITIES BY DEPARTMENT**  
7 **OF VETERANS AFFAIRS.**

8 (a) **SHORT TITLE.**—This section may be cited as the  
9 “Palomares or Thule Veterans Act”

10 (b) **PALOMARES OR THULE.**—Section 1112(c)(3)(B),  
11 as amended by section 401, is further amended by adding  
12 at the end the following new clauses:

13 “(vi) Onsite participation in the response  
14 effort following the collision of a United States  
15 Air Force B–52 bomber and refueling plane  
16 that caused the release of four thermonuclear  
17 weapons in the vicinity of Palomares, Spain,  
18 during the period beginning January 17, 1966,  
19 and ending March 31, 1967.

20 “(vii) Onsite participation in the response  
21 effort following the on-board fire and crash of  
22 a United States Air Force B–52 bomber that  
23 caused the release of four thermonuclear weap-  
24 ons in the vicinity of Thule Air Force Base,  
25 Greenland, during the period beginning Janu-



1           ary 21, 1968, and ending September 25,  
2           1968.”.

3 **SEC. 403. PRESUMPTIONS OF SERVICE CONNECTION FOR**  
4 **DISEASES ASSOCIATED WITH EXPOSURES TO**  
5 **CERTAIN HERBICIDE AGENTS FOR VETERANS**  
6 **WHO SERVED IN CERTAIN LOCATIONS.**

7           (a) SHORT TITLE.—This section may be cited as the  
8 “Veterans Agent Orange Exposure Equity Act”.

9           (b) IN GENERAL.—Section 1116, as amended by sec-  
10 tion 202, is further amended—

11           (1) by striking “, during active military, naval,  
12           air, or space service, served in the Republic of Viet-  
13           nam during the period beginning on January 9,  
14           1962, and ending on May 7, 1975” each place it ap-  
15           pears and inserting “performed covered service”;

16           (2) by striking “performed active military,  
17           naval, air, or space service in the Republic of Viet-  
18           nam during the period beginning on January 9,  
19           1962, and ending on May 7, 1975” each place it ap-  
20           pears and inserting “performed covered service”;  
21           and

22           (3) by adding at the end the following new sub-  
23           section:

24           “(d) In this section, the term ‘covered service’ means  
25           active military, naval, air, or space service—

1           “(1) performed in the Republic of Vietnam dur-  
2           ing the period beginning on January 9, 1962, and  
3           ending on May 7, 1975;

4           “(2) performed in Thailand at any United  
5           States or Royal Thai base during the period begin-  
6           ning on January 9, 1962, and ending on June 30,  
7           1976, without regard to where on the base the vet-  
8           eran was located or what military job specialty the  
9           veteran performed;

10          “(3) performed in Laos during the period be-  
11          ginning on December 1, 1965, and ending on Sep-  
12          tember 30, 1969;

13          “(4) performed in Cambodia at Mimot or Krek,  
14          Kampong Cham Province during the period begin-  
15          ning on April 16, 1969, and ending on April 30,  
16          1969; or

17          “(5) performed on Guam or American Samoa,  
18          or in the territorial waters thereof, during the period  
19          beginning on January 9, 1962, and ending on July  
20          31, 1980, or served on Johnston Atoll or on a ship  
21          that called at Johnston Atoll during the period be-  
22          ginning on January 1, 1972, and ending on Sep-  
23          tember 30, 1977.”.

24          (c) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL  
25 SERVICES.—Section 1710(e)(4), as amended by section

1 102(c), is further amended by striking subparagraph (A)  
 2 and inserting the following new subparagraph:

3 “(A) The term ‘Vietnam-era herbicide-exposed  
 4 veteran’ means a veteran who—

5 “(i) performed covered service, as defined  
 6 in section 1116(d) of this title; or

7 “(ii) the Secretary finds may have been ex-  
 8 posed during such service to dioxin or was ex-  
 9 posed during such service to a toxic substance  
 10 found in a herbicide or defoliant used for mili-  
 11 tary purposes during such period.”.

12 (d) CONFORMING AMENDMENT.—The heading for  
 13 section 1116 is amended by striking “**the Republic of**  
 14 **Vietnam**” and inserting “**certain locations**”.

15 **SEC. 404. ADDITION OF ADDITIONAL DISEASES ASSOCI-**  
 16 **ATED WITH EXPOSURE TO CERTAIN HERBI-**  
 17 **CIDE AGENTS FOR WHICH THERE IS A PRE-**  
 18 **SUMPTION OF SERVICE CONNECTION FOR**  
 19 **VETERANS WHO SERVED IN CERTAIN LOCA-**  
 20 **TIONS.**

21 (a) SHORT TITLE.—This section may be cited as the  
 22 “Fair Care for Vietnam Veterans Act”.

23 (b) ADDITIONAL DISEASES.—Section 1116(a)(2), as  
 24 amended by section 9109 of the William M. (Mac) Thorn-  
 25 berry National Defense Authorization Act for Fiscal Year

1 2021 (Public Law 116–283), is further amended by add-  
 2 ing at the end the following new subparagraphs:

3 “(L) Hypertension.

4 “(M) Monoclonal gammopathy of undetermined  
 5 significance.”.

6 **SEC. 405. IMPROVING COMPENSATION FOR DISABILITIES**  
 7 **OCCURRING IN PERSIAN GULF WAR VET-**  
 8 **ERANS.**

9 (a) REDUCTION IN THRESHOLD OF ELIGIBILITY.—  
 10 Subsection (a)(1) of section 1117 is amended by striking  
 11 “became manifest—” and all that follows through the pe-  
 12 riod at the end and inserting “became manifest to any  
 13 degree at any time.”.

14 (b) PERMANENT EXTENSION OF PERIOD OF ELIGI-  
 15 BILITY.—Such section is further amended—

16 (1) by striking subsection (b);

17 (2) by redesignating subsections (c) and (d) as  
 18 subsections (b) and (c), respectively; and

19 (3) in subsection (a)(2)(C), by striking “under  
 20 subsection (d)” and inserting “under subsection  
 21 (c)”.

22 (c) ESTABLISHING SINGULAR DISABILITY-BASED  
 23 QUESTIONNAIRE.—Such section is further amended by in-  
 24 serting after subsection (c) (as redesignated by subsection  
 25 (b)) the following new subsection (d):

1       “(d) If a Persian Gulf veteran at a medical facility  
2 of the Department presents with any one symptom associ-  
3 ated with Gulf War Illness, the Secretary shall ensure that  
4 health care personnel of the Department use a disability  
5 benefits questionnaire, or successor questionnaire, de-  
6 signed to identify Gulf War Illness, in addition to any  
7 other diagnostic actions the personnel determine appro-  
8 priate.”.

9       (d) EXPANSION OF DEFINITION OF PERSIAN GULF  
10 VETERAN.—Subsection (f) of such section is amended by  
11 inserting “, Afghanistan, Israel, Egypt, Turkey, Syria, or  
12 Jordan,” after “operations”.

13       (e) TRAINING.—Such section is further amended by  
14 adding at the end the following new subsection:

15       “(i)(1) The Secretary shall take such actions as may  
16 be necessary to ensure that health care personnel of the  
17 Department are appropriately trained to effectively carry  
18 out this section.

19       “(2) Not less frequently than once each year, the Sec-  
20 retary shall submit to Congress a report on the actions  
21 taken by the Secretary to carry out paragraph (1).”.

1 **SEC. 406. PRESUMPTION OF SERVICE CONNECTION FOR**  
2 **CERTAIN DISEASES ASSOCIATED WITH EXPO-**  
3 **SURE TO BURN PITS AND OTHER TOXINS.**

4 (a) SHORT TITLE.—This section may be cited as the  
5 “Presumptive Benefits for War Fighters Exposed to Burn  
6 Pits and Other Toxins Act”.

7 (b) IN GENERAL.—Subchapter II of chapter 11, as  
8 amended by section 302, is further amended by inserting  
9 after section 1119 the following new section:

10 **“§ 1120. Presumption of service connection for cer-**  
11 **tain diseases associated with exposure to**  
12 **burn pits and other toxins**

13 “(a) PRESUMPTION OF SERVICE CONNECTION.—For  
14 the purposes of section 1110 of this title, and subject to  
15 section 1113 of this title, a disease specified in subsection  
16 (b) becoming manifest in a covered veteran shall be con-  
17 sidered to have been incurred in or aggravated during ac-  
18 tive military, naval, air, or space service, notwithstanding  
19 that there is no record of evidence of such disease during  
20 the period of such service.

21 “(b) DISEASES SPECIFIED.—The diseases specified  
22 in this subsection are the following:

23 “(1) Asthma that was diagnosed after service of  
24 the covered veteran as specified in subsection (c).

25 “(2) The following types of cancer:

26 “(A) Head cancer of any type.

- 1           “(B) Neck cancer of any type.
- 2           “(C) Respiratory cancer of any type.
- 3           “(D) Gastrointestinal cancer of any type.
- 4           “(E) Reproductive cancer of any type.
- 5           “(F) Lymphoma cancer of any type.
- 6           “(G) Lymphomatic cancer of any type.
- 7           “(H) Kidney cancer.
- 8           “(I) Brain cancer.
- 9           “(J) Melanoma.
- 10          “(K) Pancreatic cancer.
- 11          “(3) Chronic bronchitis.
- 12          “(4) Chronic obstructive pulmonary disease.
- 13          “(5) Constrictive bronchiolitis or obliterative
- 14          bronchiolitis.
- 15          “(6) Emphysema.
- 16          “(7) Granulomatous disease.
- 17          “(8) Interstitial lung disease.
- 18          “(9) Pleuritis.
- 19          “(10) Pulmonary fibrosis.
- 20          “(11) Sarcoidosis.
- 21          “(12) Chronic sinusitis.
- 22          “(13) Chronic rhinitis.
- 23          “(14) Glioblastoma.
- 24          “(15) Any other disease for which the Secretary
- 25          determines, pursuant to regulations prescribed under

1 subchapter VII that a presumption of service con-  
 2 nection is warranted based on a positive association  
 3 with a substance, chemical, or airborne hazard iden-  
 4 tified in the list under section 1119(b)(2) of this  
 5 title.

6 “(c) COVERED VETERAN DEFINED.—In this section,  
 7 the term ‘covered veteran’ has the meaning given that  
 8 term in section 1119(c) of this title.”.

9 (c) CONFORMING AMENDMENT.—Section 1113 is  
 10 amended by striking “or 1118” each place it appears and  
 11 inserting “1118, or 1120”.

## 12 **TITLE V—RESEARCH MATTERS**

### 13 **SEC. 501. INTERAGENCY WORKING GROUP ON TOXIC EXPO-** 14 **SURE RESEARCH.**

15 (a) IN GENERAL.—Subchapter II of chapter 73 of  
 16 title 38, United States Code, is amended by adding at the  
 17 end the following new section:

#### 18 **“§ 7330D. Interagency working group on toxic expo-** 19 **sure research**

20 “(a) ESTABLISHMENT.—(1) The Secretary shall es-  
 21 tablish the Toxic Exposure Research Working Group (in  
 22 this section referred to as the ‘Working Group’).

23 “(2) The Working Group shall consist of employees,  
 24 selected by the Secretary, of the following:

25 “(A) The Department.



1           “(B) The Department of Defense.

2           “(C) The Department of Health and Human  
3 Services.

4           “(D) The Environmental Protection Agency.

5           “(E) Other Federal entities involved in research  
6 activities regarding the health consequences of toxic  
7 exposures experienced during active military, naval,  
8 air, or space service.

9           “(b) FUNCTIONS.—The Working Group shall per-  
10 form the following functions:

11           “(1) Identify collaborative research activities  
12 and resources available among entities represented  
13 by members of the Working Group to conduct such  
14 collaborative research activities.

15           “(2) Develop a 5-year strategic plan for Federal  
16 entities represented in the Working Group to carry  
17 out collaborative research activities.

18           “(c) REPORTING.—The Secretary shall submit, to the  
19 Committees on Veterans’ Affairs of the Senate and House  
20 of Representatives, the following:

21           “(1) Not later than one year after the date of  
22 the enactment of the Act, a report on the establish-  
23 ment of the Working Group under subsection (a).

24           “(2) Not later than two years after the date of  
25 enactment of the Act, a report containing the col-

1 laborative research activities identified, and the  
2 Strategic Plan developed, by the Working Group,  
3 under subsection (b).

4 “(3) Annually during the 5-year period covered  
5 by the strategic plan under subsection (b), a  
6 progress reports on implementation of the Strategic  
7 Plan under subsection (b).

8 “(d) TERMINATION.—The Working Group shall ter-  
9minate after submitting the final report under subsection  
10 (c).

11 “(e) DEFINITIONS.—For purposes of this section—

12 “(1) The term ‘Act’ means the Honoring our  
13 Promise to Address Comprehensive Toxics Act of  
14 2021.

15 “(2) The term ‘collaborative research activity’  
16 means a research activity—

17 “(A) conducted by an entity represented by  
18 a member of the Working Group;

19 “(B) funded by the Federal Government;  
20 and

21 “(C) regarding the health consequences of  
22 toxic exposures experienced during active mili-  
23 tary, naval, air, or space service.”.

24 (b) CLERICAL AMENDMENT.—The table of sections  
25 at the beginning of such subchapter is amended by insert-

1 ing after the item relating to section 7330C the following  
 2 new item:

“7330D. Interagency working group on toxic exposure research.”.

3 (c) IMPLEMENTATION.—The Secretary of Veterans  
 4 Affairs shall establish the Working Group under section  
 5 7330D of such title, as added by subsection (a), not later  
 6 than one year after the date of the enactment of this Act.

7 **SEC. 502. DATA COLLECTION, ANALYSIS, AND REPORT ON**  
 8 **TREATMENT OF VETERANS FOR ILLNESSES**  
 9 **RELATED TO TOXIC EXPOSURE.**

10 (a) IN GENERAL.—The Secretary of Veterans Affairs  
 11 shall compile and analyze, on a continuous basis, all clin-  
 12 ical data that—

13 (1) is obtained by the Secretary in connection  
 14 with hospital care (including mental health services  
 15 and counseling), medical services, or nursing home  
 16 care furnished to a veteran for an illness under sec-  
 17 tion 1710(a)(2)(F) of title 38, United States Code,  
 18 as amended by section 102; and

19 (2) is likely to be scientifically useful, as deter-  
 20 mined by the Secretary, in determining whether a  
 21 positive association exists between the illness of the  
 22 veteran and a toxic exposure.

23 (b) CONSENT OF PATIENTS.—The Secretary shall en-  
 24 sure that the compilation and analysis of the clinical data  
 25 of a veteran under subsection (a) shall be conducted, and

1 such data shall be used, in a manner that is consistent  
2 with the informed consent of the veteran and in compli-  
3 ance with all applicable Federal law.

4 (c) ANNUAL REPORT.—Not later than one year after  
5 the date of the enactment of this Act, and annually there-  
6 after, the Secretary shall submit to the Committees on  
7 Veterans' Affairs of the House of Representatives and the  
8 Senate a report containing—

9 (1) any data compiled under subsection (a);

10 (2) an analysis of any such data;

11 (3) a description of the types and incidences of  
12 illnesses identified by the Secretary pursuant to such  
13 subsection;

14 (4) an explanation by the Secretary for the inci-  
15 dence of such illnesses and such alternate expla-  
16 nations for the incidence of such illnesses as the Sec-  
17 retary may consider reasonable; and

18 (5) a description of the views of the Secretary  
19 regarding the scientific validity of drawing conclu-  
20 sions from the incidence of such illnesses, as evi-  
21 denced by the data compiled under subsection (a),  
22 regarding the existence of a positive association be-  
23 tween such illness and a toxic exposure.

24 (d) DEFINITIONS.—In this section:

1           (1) The term “toxic exposure” has the meaning  
2           given that term in section 101 of title 38, United  
3           States Code.

4           (2) The term “illness” has the meaning given  
5           that term in section 1171 of such title, as added by  
6           section 202.

7   **SEC. 503. STUDIES RELATED TO VETERANS WHO SERVED IN**  
8                   **SOUTHWEST ASIA AND CERTAIN OTHER LO-**  
9                   **CATIONS.**

10          (a) ANALYSIS ON MORTALITY IN COVERED VET-  
11          ERANS.—

12               (1) ANALYSIS.—Not later than 180 days after  
13               the date of the enactment of this Act, the Secretary  
14               of Veterans Affairs shall conduct an updated anal-  
15               ysis of total and respiratory disease mortality in cov-  
16               ered veterans.

17               (2) ELEMENTS.—The analysis under paragraph  
18               (1) shall include, to the extent practicable, the fol-  
19               lowing:

20                       (A) Metrics of airborne exposures.

21                       (B) The location and timing of any deploy-  
22                       ments of the veteran.

23                       (C) The military occupational specialty of  
24                       the veteran.

1 (D) The Armed Force in which the veteran  
2 served.

3 (E) The preexisting health status of the  
4 veteran, including with respect to asthma.

5 (F) Such personal information of the vet-  
6 eran as the Secretary may consider relevant, in-  
7 cluding cigarette and e-cigarette smoking his-  
8 tory, diet, sex, gender, age, race, and ethnicity.

9 (b) EPIDEMIOLOGICAL STUDY.—Not later than 180  
10 days after the date of the enactment of this Act, the Sec-  
11 retary shall conduct an epidemiological study of covered  
12 veterans that involves—

13 (1) the use of improved spatio-temporal esti-  
14 mates of ambient air pollution exposures that lever-  
15 age advances in retrospective exposure assessment;  
16 and

17 (2) the collection of detailed information on the  
18 covered veterans studied through medical records,  
19 administrative data, and other existing sources, in-  
20 cluding, with respect to the covered veterans—

21 (A) personal information, including ciga-  
22 rette and e-cigarette smoking history, diet, sex,  
23 gender, age, race, and ethnicity;

24 (B) deployment history, including loca-  
25 tions, periods, and number of deployments;

1 (C) biospecimen data; and

2 (D) supplementary health status and out-  
3 comes data, including imaging and physiological  
4 parameters.

5 (c) TOXICOLOGY STUDY.—

6 (1) STUDY.—Not later than 180 days after the  
7 date of the enactment of this Act, the Secretary  
8 shall conduct a toxicology study, to include varia-  
9 bility, to replicate toxic exposures of healthy, young  
10 members of the Armed Forces, as well as potentially  
11 susceptible members, with preexisting health condi-  
12 tions.

13 (2) ELEMENTS.—The study under paragraph  
14 (1) shall include—

15 (A) an analysis of results for mechanistic  
16 markers and clinically relevant outcomes; and

17 (B) a validation of any serum, tissue, or  
18 other biomarkers of toxic exposure, suscepti-  
19 bility, or effect with respect to the subjects of  
20 the study.

21 (d) COVERED VETERAN DEFINED.—In this section,  
22 the term “covered veteran” has the meaning given that  
23 term in section 1119(c) of title 38, United States Code,  
24 as added by section 302.

1 **SEC. 504. STUDY ON HEALTH TRENDS OF POST 9/11 VET-**  
2 **ERANS.**

3 (a) STUDY.—The Secretary of Veterans Affairs shall  
4 conduct an epidemiological study on the health trends of  
5 veterans who served in the Armed Forces after September  
6 11, 2001.

7 (b) ELEMENTS.—The study under subsection (a)  
8 shall assess, with respect to each veteran included in the  
9 study, the following:

10 (1) The race and ethnicity of the veteran.

11 (2) The age of the veteran.

12 (3) The period of service and length of service  
13 of the veteran in the Armed Forces.

14 (4) Any military occupational speciality of the  
15 veteran.

16 (5) The gender of the veteran.

17 (6) The disability status of the veteran.

18 (c) REPORT.—Not later than two years after the date  
19 of the enactment of this Act, the Secretary shall submit  
20 to the Committees on Veterans' Affairs of the House of  
21 Representatives and the Senate a report on the study  
22 under subsection (a).

23 **SEC. 505. STUDY ON CANCER RATES AMONG VETERANS.**

24 (a) STUDY.—The Secretary of Veterans Affairs shall  
25 conduct a study on the incidence of cancer in veterans,  
26 to determine trends in the rates of the incidence of cancer



1 in veterans, and on available early detection diagnostics,  
2 to determine the feasibility and advisability of including  
3 such diagnostics as part of the health care furnished to  
4 veterans by the Secretary.

5 (b) ELEMENTS.—The study under subsection (a)  
6 shall assess, with respect to each veteran included in the  
7 study, the following:

8 (1) The race and ethnicity of the veteran.

9 (2) The age of the veteran.

10 (3) The period of service and length of service  
11 of the veteran in the Armed Forces.

12 (4) Any military occupational speciality of the  
13 veteran.

14 (5) The gender of the veteran.

15 (6) Any type of cancer that the veteran has.

16 (c) REPORT.—Not later than two years after the date  
17 of the enactment of this Act, the Secretary shall submit  
18 to the Committees on Veterans' Affairs of the House of  
19 Representatives and the Senate a report on the study  
20 under subsection (a).

1 **SEC. 506. STUDY ON FEASIBILITY AND ADVISABILITY OF**  
2 **FURNISHING HOSPITAL CARE AND MEDICAL**  
3 **SERVICES TO DEPENDENTS OF VETERANS**  
4 **WHO PARTICIPATED IN TOXIC EXPOSURE**  
5 **RISK ACTIVITIES.**

6 (a) STUDY.—The Secretary of Veterans Affairs shall  
7 conduct a study on the feasibility and advisability of fur-  
8 nishing hospital care and medical services to qualifying de-  
9 pendants of veterans described in section 1710(e)(1)(G)  
10 of title 38, United States Code, as added by section  
11 103(a)(1), for any illness determined by the Secretary to  
12 be connected to a toxic exposure risk activity carried out  
13 by the veteran, as determined by the Secretary, notwith-  
14 standing that there is insufficient medical evidence to con-  
15 clude that such illness is attributable to such activity.

16 (b) ELEMENTS.—The study under subsection (a)  
17 shall include—

18 (1) an assessment of the impact of furnishing  
19 hospital care and medical services to qualifying de-  
20 pendants as described in such subsection on the abil-  
21 ity of the Department of Veterans Affairs to furnish  
22 hospital care and medical services to veterans;

23 (2) an assessment of the potential cost of fur-  
24 nishing hospital care and medical services to quali-  
25 fying dependents as described in such subsection;

1           (3) an estimate of the resources required to fur-  
2       nish such care and services;

3           (4) an assessment of any stress or other effect  
4       furnishing such care and services would have on the  
5       claims and appeals system of the Department;

6           (5) an estimate of the number of qualifying de-  
7       pendents who would be eligible for such care and  
8       services; and

9           (6) an assessment of the feasibility of adjudi-  
10      cating claims for such care and services.

11      (c) PHASED-IN APPLICATION.—In conducting the  
12      study under subsection (a), the Secretary shall assess the  
13      feasibility and advisability of phasing in the furnishing of  
14      hospital care and medical services to qualifying depend-  
15      ents described in such subsection by the decade in which  
16      such toxic exposure risk activity occurred, starting with  
17      the most recent decade.

18      (d) REVIEW OF TOXIC EXPOSURE CASES REGARDING  
19      LIABILITY OF DEPARTMENT OF DEFENSE.—In con-  
20      ducting the study under subsection (a), the Secretary  
21      shall—

22           (1) review known cases of toxic exposure on  
23      military installations of the Department of Defense;

24           (2) analyze the liability of the Department of  
25      Defense in each such case; and

1           (3) assess whether the Secretary of Defense  
2           should provide care and services relating to such  
3           toxic exposures under the TRICARE program.

4           (e) REPORT.—Not later than two years after the date  
5           of the enactment of this Act, the Secretary shall submit  
6           to Congress a report on the study conducted under sub-  
7           section (a).

8           (f) DEFINITIONS.—In this section:

9           (1) The terms “hospital care” and “medical  
10          services” have the meanings given those terms in  
11          section 1701 of title 38, United States Code.

12          (2) The term “illness” has the meaning given  
13          that term in section 1171 of such title, as added by  
14          section 202.

15          (3) The term “qualifying dependent” means—

16                (A) a dependent of a veteran described in  
17                section 1710(e)(1)(G) of title 38, United States  
18                Code, as added by section 104(a)(1), who re-  
19                sided with the veteran during the period in  
20                which, and on the installation at which, the vet-  
21                eran participated in a toxic exposure risk activ-  
22                ity;

23                (B) an individual who was in utero of such  
24                a veteran or other qualifying dependent when

1 the veteran participated in a toxic exposure risk  
2 activity; or

3 (C) a dependent of such a veteran who is  
4 not described in subparagraph (A) or (B) but  
5 who may have an illness that is connected to  
6 the toxic exposure risk activity of the veteran,  
7 as determined by the Secretary.

8 (4) The term “toxic exposure” has the meaning  
9 given that term in section 101 of such title, as  
10 added by section 102(b).

11 (5) The term “toxic exposure risk activity” has  
12 the meaning given that term in section 1710(e)(4)  
13 of such title, as added by section 102(c).

14 (6) The term “TRICARE program” has the  
15 meaning given that term in section 1072 of such  
16 title.

17 **SEC. 507. STUDY ON HEALTH EFFECTS OF WASTE RELATED**  
18 **TO MANHATTAN PROJECT ON CERTAIN VET-**  
19 **ERANS.**

20 (a) STUDY.—The Secretary of Veterans Affairs shall  
21 conduct a study on the health trends of veterans who,  
22 while serving in the active military, naval, air, or space  
23 service—

1           (1) participated in activities relating to the  
2       Manhattan Project (including activities relating to  
3       covered waste) in connection with such service; or

4           (2) resided at or near, as determined by the  
5       Secretary, the locations described in subsection (b).

6       (b) COVERED LOCATIONS.—The locations described  
7       in this subsection are the following locations in the county  
8       of St. Louis, Missouri:

9           (1) Coldwater Creek.

10          (2) The St. Louis Airport Site.

11          (3) The West Lake Landfill.

12          (4) Any other location in the county of St.  
13       Louis, Missouri that is proximate to covered waste,  
14       as determined by the Secretary.

15       (c) ELEMENTS.—The study under subsection (a)  
16       shall assess, with respect to each veteran included in the  
17       study, the following:

18           (1) The age, gender, and race of the veteran.

19           (2) The period and location of exposure to cov-  
20       ered waste.

21           (3) Any type of cancer, or other illness associ-  
22       ated with toxic exposure, that the veteran has.

23           (4) A comparison of the overall health condition  
24       of the veteran, including any illness of the veteran  
25       identified pursuant to paragraph (3), with the over-

1 all health condition of past and present civilian pop-  
2 ulations residing at the same location of exposure.

3 (d) REPORT.—Not later than one year after the date  
4 of the enactment of this Act, the Secretary shall submit  
5 to the Committees on Veterans’ Affairs of the House of  
6 Representatives and the Senate a report on the study  
7 under subsection (a).

8 (e) DEFINITIONS.—In this section:

9 (1) The term “covered waste” means any waste  
10 arising from activities carried out in connection with  
11 the Manhattan Project.

12 (2) The term “illness” has the meaning given  
13 that term in section 1171 of title 38, United States  
14 Code, as added by section 202.

15 (3) The term “toxic exposure” has the meaning  
16 given that term in section 101 of such title, as  
17 added by section 102(b).

18 **SEC. 508. STUDY ON TOXIC EXPOSURE AND MENTAL**  
19 **HEALTH OUTCOMES.**

20 (a) STUDY REQUIRED.—The Secretary of the De-  
21 partment of Veterans Affairs shall enter into an agree-  
22 ment with the National Academies of Sciences, Engineer-  
23 ing, and Medicine for the conduct of a study of veterans  
24 to assess possible relationships between toxic exposures ex-  
25 perience during service in the Armed Forces and mental

1 health outcomes, including chronic multisymptom illness,  
2 traumatic brain injury, post-traumatic stress disorder, de-  
3 pression, psychosis, suicide attempts, and suicide deaths.

4 (b) ELEMENTS.—For each veteran included in the  
5 study under subsection (a), the following information shall  
6 be collected and assessed:

7 (1) Age.

8 (2) Gender.

9 (3) Race and ethnicity.

10 (4) Period and length of service in the Armed  
11 Forces.

12 (5) History of toxic exposure during service in  
13 the Armed Forces.

14 (6) Any diagnosis of chronic multisymptom ill-  
15 ness.

16 (7) Any diagnosis of a mental health or cog-  
17 nitive disorder.

18 (8) Any history of suicide attempt or  
19 suicidality.

20 (9) If the veteran died by suicide.

21 (c) REPORT.—Not later than two years after the date  
22 after the enactment of this Act, the Secretary shall submit  
23 to the Committees on Veterans' Affairs of the Senate and  
24 House of Representatives a report containing the findings  
25 of the study conducted under subsection (a).



1 **SEC. 509. STUDY ON VETERANS IN TERRITORIES OF THE**  
2 **UNITED STATES.**

3 (a) GAO STUDY.—

4 (1) IN GENERAL.—The Comptroller General of  
5 the United States shall conduct a study on the state  
6 of access and barriers to benefits and services fur-  
7 nished under laws administered by the Secretary of  
8 Veterans Affairs to veterans in Territories of the  
9 United States, including deficits in the availability  
10 and accessibility of such benefits and services com-  
11 pared to veterans elsewhere in the United States.

12 (2) ELEMENTS.—The study under paragraph  
13 (1) shall include—

14 (A) the number of veterans in each Terri-  
15 tory of the United States;

16 (B) the number of veterans in each Terri-  
17 tory who are enrolled in the system of annual  
18 patient enrollment of the Department of Vet-  
19 erans Affairs under section 1705(a) of title 38,  
20 United States Code;

21 (C) the number of veterans in each Terri-  
22 tory who are eligible for services under section  
23 1710 of such title but who are not enrolled as  
24 described in subparagraph (B);

25 (D) a detailed description of obstacles fac-  
26 ing veterans in each Territory in accessing

1 health care services, including those involving  
2 the availability of such services to veterans in  
3 the Territory in which the veterans reside, and  
4 the distance required of veterans to journey to  
5 receive services at a regional medical center of  
6 the Veterans Health Administration, a commu-  
7 nity-based outpatient clinic, or other full-service  
8 medical facility of the Department, or death  
9 center, respectively;

10 (E) a detailed description of obstacles fac-  
11 ing veterans in each Territory in accessing re-  
12 adjustment counseling services, including those  
13 involving the availability of such services to vet-  
14 erans in the Territory in which the veterans re-  
15 side, and the distance required of veterans to  
16 journey to receive services at a readjustment  
17 counseling services center of the Department;

18 (F) a detailed description of obstacles fac-  
19 ing veterans in each Territory in accessing  
20 other veterans benefits, including those involv-  
21 ing the availability of benefits and services to  
22 veterans in the Territory in which the veterans  
23 reside, and the distance required of the veterans  
24 to journey to the nearest office of the Veterans  
25 Benefits Administration;

1           (G) an analysis of the staffing and record-  
2           keeping levels and quality of the offices of the  
3           Department charged with serving veterans in  
4           the Territories, including the availability of the  
5           full- and part-time staff of each office to the  
6           veterans they are charged with serving, and the  
7           continuity of care provided by such staff to  
8           such veterans;

9           (H) an analysis of the availability of the  
10          Veterans Community Care Program established  
11          under section 1703 of title 38, United States  
12          Code, to veterans in each Territory;

13          (I) an analysis of the economic and health  
14          consequences for veterans in each Territory re-  
15          sulting from obstacles to accessing adequate as-  
16          sistance and health care at facilities of the De-  
17          partment;

18          (J) an analysis of the access to assistance  
19          and health care provided to veterans in the  
20          aftermath of major disasters declared in each of  
21          the Territories since September 4, 2017; and

22          (K) recommendations for improving access  
23          of veterans in the Territories to benefits and  
24          services furnished by the Secretary, and reduc-  
25          ing barriers and deficits in the availability and

(c) TERRITORY DEFINED.—In this section, the term “Territory” includes American Samoa, the Commonwealth of the Northern Marianas Islands, Guam, Puerto Rico, and the Virgin Islands.

(a) WEBSITE.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish, and maintain thereafter, a publicly accessible internet website of the Department of Veterans Affairs that serves as a clearinghouse for the publication of all toxic exposure research carried out or funded by the executive branch of the Federal Government.

**HR 3967 PCS**

1 tained under subsection (a) shall be housed under the  
2 website of the War Related Illness and Injury Study Cen-  
3 ter of the Department of Veterans Affairs, or successor  
4 center.

5 (c) COORDINATION.—In carrying out subsection (a),  
6 the Secretary shall coordinate with—

7 (1) the heads of each Federal department or  
8 agency carrying out or funding toxic exposure re-  
9 search;

10 (2) the War Related Illness and Injury Study  
11 Center of the Department of Veterans Affairs, or  
12 successor center; and

13 (3) any working group of the Department of  
14 Veterans Affairs or other similar entity responsible  
15 for coordinating toxic exposure research.

16 (d) DEFINITIONS.—In this section:

17 (1) The term “toxic exposure” has the meaning  
18 given that term in section 101 of title 38, United  
19 States Code, as added by section 102(b).

20 (2) The term “toxic exposure research” means  
21 research on the health consequences of toxic expo-  
22 sures experienced during service in the Armed  
23 Forces.

1 **SEC. 511. BIENNIAL REPORT ON HEALTH EFFECTS OF JET**  
2 **FUELS USED BY ARMED FORCES.**

3 Not later than one year after the date of the enact-  
4 ment of this Act, and biennially thereafter during the sub-  
5 sequent eight-year period, the Secretary of Veterans Af-  
6 fairs shall submit to the Committees on Veterans' Affairs  
7 of the House of Representatives and the Senate, and make  
8 publicly available, a report that includes—

9 (1) a discussion of the effect of various dif-  
10 ferent types of jet fuels used by the Armed Forces  
11 on the health of individuals by length of exposure;

12 (2) an identification of the immediate symp-  
13 toms of jet fuel exposure that may indicate future  
14 health risks;

15 (3) a chronology of health safeguards imple-  
16 mented by the Armed Forces intended to reduce the  
17 exposure of members of the Armed Forces to jet fuel;  
18 and

19 (4) an identification of any areas relating to jet  
20 fuel exposure about which new research needs to be  
21 conducted.

1 **TITLE VI—IMPROVEMENT OF RE-**  
 2 **SOURCES AND TRAINING RE-**  
 3 **GARDING TOXIC-EXPOSED**  
 4 **VETERANS**

5 **SEC. 601. SHORT TITLE; DEFINITIONS.**

6 (a) SHORT TITLE.—This title may be cited as the  
 7 “Toxic Exposure in the American Military Act” or the  
 8 “TEAM Act”.

9 (b) DEFINITIONS.—In this title, the terms “active  
 10 military, naval, air, or space service”, “toxic exposure”,  
 11 and “toxic-exposed veteran” have the meanings given  
 12 those terms in section 101 of title 38, United States Code.

13 **SEC. 602. PUBLICATION OF LIST OF RESOURCES OF DE-**  
 14 **PARTMENT OF VETERANS AFFAIRS FOR**  
 15 **TOXIC-EXPOSED VETERANS AND OUTREACH**  
 16 **PROGRAM FOR SUCH VETERANS AND CARE-**  
 17 **GIVERS AND SURVIVORS OF SUCH VETERANS.**

18 (a) PUBLICATION OF LIST OF RESOURCES.—

19 (1) IN GENERAL.—Not later than one year  
 20 after the date of the enactment of this Act, and an-  
 21 nually thereafter, the Secretary of Veterans Affairs  
 22 shall publish a list of resources of the Department  
 23 of Veterans Affairs for—

24 (A) toxic-exposed veterans, including with  
 25 respect to—

1 (i) disability compensation under  
2 chapter 11 of title 38, United States Code;  
3 and

4 (ii) hospital care, medical services,  
5 and nursing home care under section  
6 1710(a)(2)(F) of such title;

7 (B) caregivers of toxic-exposed veterans  
8 who are participating in the program of com-  
9 prehensive assistance for family caregivers  
10 under section 1720G(a) of such title; and

11 (C) survivors of toxic-exposed veterans who  
12 are receiving death benefits under the laws ad-  
13 ministered by the Secretary.

14 (2) UPDATE.—The Secretary shall periodically  
15 update the list published under paragraph (1).

16 (3) LANGUAGES.—The Secretary shall publish  
17 the list under paragraph (1) in languages including  
18 the following:

19 (A) English.

20 (B) Spanish.

21 (C) Chinese.

22 (D) The seven other most commonly spo-  
23 ken languages in the United States.

24 (b) OUTREACH.—The Secretary shall develop, with  
25 input from the community, an informative outreach pro-



1 gram for veterans on illnesses that may be related to toxic  
2 exposure, including outreach with respect to benefits and  
3 support programs. Information distributed under the out-  
4 reach program shall be treated as a fact sheet of the De-  
5 partment of Veterans Affairs for purposes of making the  
6 information available in multiple languages pursuant to  
7 section 2 of the Veterans and Family Information Act  
8 (Public Law 117–62; 38 U.S.C. 6303 note).

9 (c) VETERANS ORGANIZATIONS.—To the extent prac-  
10 ticable, the Secretary shall share with national veterans  
11 service organizations and other veterans groups, including  
12 such organizations and groups that improve access by vet-  
13 erans to health care and benefits, the list of resources  
14 under subsection (a) and the outreach program under sub-  
15 section (b).

16 **SEC. 603. INCORPORATION OF TOXIC EXPOSURE QUES-**  
17 **TIONNAIRE DURING PRIMARY CARE AP-**  
18 **POINTMENTS.**

19 (a) IN GENERAL.—The Secretary of Veterans Affairs  
20 shall incorporate a clinical questionnaire to help determine  
21 potential toxic exposures during active military, naval, air,  
22 or space service as part of the initial screening conducted  
23 for an appointment of a veteran with a primary care pro-  
24 vider of the Department of Veterans Affairs to improve

1 understanding by the Department of toxic exposures of  
2 veterans while serving in the Armed Forces.

3 (b) DETERMINATION OF QUESTIONS.—The questions  
4 included in the questionnaire required under subsection  
5 (a) shall be determined by the Secretary with input from  
6 medical professionals.

7 **SEC. 604. TRAINING FOR PERSONNEL OF THE DEPART-**  
8 **MENT OF VETERANS AFFAIRS WITH RESPECT**  
9 **TO TOXIC-EXPOSED VETERANS.**

10 (a) HEALTH CARE PERSONNEL.—The Secretary of  
11 Veterans Affairs shall provide to health care personnel of  
12 the Department of Veterans Affairs education and train-  
13 ing to identify, treat, and assess the impact on toxic-ex-  
14 posed veterans of illnesses related to toxic exposure and  
15 inform such personnel of how to ask for additional infor-  
16 mation from veterans regarding different toxic exposures.

17 (b) BENEFITS PERSONNEL.—

18 (1) STANDARD CLAIMS PROCESSOR TRAINING  
19 CURRICULUM.—

20 (A) CURRICULUM.—Not later than 180  
21 days after the date of the enactment of this  
22 Act, the Secretary shall ensure that a standard  
23 training curriculum exists for processors of  
24 claims under the laws administered by the Sec-  
25 retary who review claims for disability benefits

1 relating to service-connected disabilities based  
2 on toxic exposure, including employees who ad-  
3 judicate such claims.

4 (B) MATTERS INCLUDED.—The Secretary  
5 shall ensure that the training under subpara-  
6 graph (A) includes the following explanations  
7 with respect to claims relating to toxic expo-  
8 sure:

9 (i) A lack of a presumption of service  
10 connection is not by itself sufficient to de-  
11 termine that service connection does not  
12 exist.

13 (ii) The claims adjudicator shall al-  
14 ways consider whether direct service con-  
15 nection is applicable and request, as need-  
16 ed, an advisory medical opinion pursuant  
17 to section 1168 of title 38, United States  
18 Code, as added by section 303.

19 (iii) The claims adjudicator may re-  
20 view and consider any record of the claim-  
21 ant in an exposure tracking record system  
22 pursuant to section 1119 of such title, as  
23 added by section 302, but a lack of such  
24 information is not by itself sufficient to de-

1           termine that such exposure did not occur  
2           or sufficient to deny the claim.

3           (C) PROVISION OF TRAINING.—The Sec-  
4           retary shall—

5                   (i) provide training under subpara-  
6                   graph (A) to each employee described in  
7                   such subparagraph not less frequently than  
8                   annually; and

9                   (ii) using the Systematic Technical  
10                  Accuracy Review program, or such suc-  
11                  cessor program, conduct a nationwide,  
12                  quarterly, randomized review of the quality  
13                  of adjudication of claims relating to toxic  
14                  exposure.

15          (2) STANDARD MEDICAL EXAMINER TRAINING  
16          CURRICULUM.—

17                  (A) CURRICULUM.—Not later than 180  
18                  days after the date of the enactment of this  
19                  Act, the Secretary shall ensure that a standard  
20                  medical training curriculum exists for medical  
21                  providers who conduct examinations and pro-  
22                  vide opinions pursuant to section 1168 of title  
23                  38, United States Code, as added by section  
24                  303, regardless of whether the provider is an  
25                  employee of the Department or a contractor.

(B) STANDARDIZED APPROACH.—The Secretary shall ensure that the curriculum established under subparagraph (A)—

(i) provides a standardized approach to conducting and providing examinations and opinions in accordance with such section 1168; and

(ii) instructs medical providers to consider, when conducting an examination or providing an opinion—

(I) relevant medical and scientific literature;

(II) the proximity, intensity, and frequency of exposure of the individual to the identified toxic exposure;

(III) medically unexplained chronic multisymptom illnesses; and

(IV) all competent and credible evidence of record.

**SEC. 605. GUIDELINES FOR ACTIVE DUTY MILITARY ON POTENTIAL RISKS AND PREVENTION OF TOXIC EXPOSURES.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly coordinate and es-

1 tablish guidelines to be used during training of members  
 2 of the Armed Forces serving on active duty to provide the  
 3 members awareness of the potential risks of toxic expo-  
 4 sures and ways to prevent being exposed during combat.

## 5 **TITLE VII—REGISTRIES,** 6 **RECORDS, AND OTHER MATTERS**

### 7 **SEC. 701. REGISTRY OF INDIVIDUALS EXPOSED TO PER-** 8 **AND POLYFLUOROALKYL SUBSTANCES ON** 9 **MILITARY INSTALLATIONS.**

10 (a) ESTABLISHMENT OF REGISTRY.—

11 (1) IN GENERAL.—Not later than one year  
 12 after the date of the enactment of this Act, the Sec-  
 13 retary of Veterans Affairs shall—

14 (A) establish and maintain a registry for  
 15 eligible individuals who may have been exposed  
 16 to per- and polyfluoroalkyl substances (in this  
 17 section referred to as “PFAS”) due to the envi-  
 18 ronmental release of aqueous film-forming foam  
 19 (in this section referred to as “AFFF”) on mili-  
 20 tary installations to meet the requirements of  
 21 military specification MIL-F-24385F;

22 (B) include any information in such reg-  
 23 istry that the Secretary determines necessary to  
 24 ascertain and monitor the health effects of the

1 exposure of members of the Armed Forces to  
2 PFAS associated with AFFF;

3 (C) develop a public information campaign  
4 to inform eligible individuals about the registry,  
5 including how to register and the benefits of  
6 registering; and

7 (D) periodically notify eligible individuals  
8 of significant developments in the study and  
9 treatment of conditions associated with expo-  
10 sure to PFAS.

11 (2) COORDINATION.—The Secretary of Vet-  
12 erans Affairs shall coordinate with the Secretary of  
13 Defense in carrying out paragraph (1).

14 (b) REPORTS.—

15 (1) INITIAL REPORT.—Not later than one year  
16 after the date of the enactment of this Act, the Sec-  
17 retary of Defense shall submit to Congress a report  
18 regarding the following:

19 (A) Sources of PFAS on military installa-  
20 tions other than AFFF.

21 (B) Any recommendation of the Secretary  
22 regarding whether to expand eligibility for the  
23 registry to individuals exposed to sources of  
24 PFAS described in subparagraph (A).

1           (2) INTERIM REPORT.—Not later than two  
2       years after the date on which the registry under sub-  
3       section (a) is established, the Secretary of Veterans  
4       Affairs shall submit to Congress an initial report  
5       containing the following:

6           (A) An assessment of the effectiveness of  
7       actions taken by the Secretary of Veterans Af-  
8       fairs and the Secretary of Defense to collect  
9       and maintain information on the health effects  
10      of exposure to PFAS.

11          (B) Recommendations to improve the col-  
12      lection and maintenance of such information.

13          (C) Using established and previously pub-  
14      lished epidemiological studies, recommendations  
15      regarding the most effective and prudent means  
16      of addressing the medical needs of eligible indi-  
17      viduals with respect to exposure to PFAS.

18          (3) FOLLOWUP REPORT.—Not later than five  
19      years after submitting the initial report under para-  
20      graph (1), the Secretary of Veterans Affairs shall  
21      submit to Congress a followup report containing the  
22      following:

23           (A) An update to the initial report sub-  
24      mitted under paragraph (1).



1 (B) An assessment of whether and to what  
2 degree the content of the registry established  
3 under subsection (a) is current and scientif-  
4 ically up to date.

5 (4) INDEPENDENT SCIENTIFIC ORGANIZA-  
6 TION.—The Secretary of Veterans Affairs shall enter  
7 into an agreement with an independent scientific or-  
8 ganization to prepare the reports under paragraphs  
9 (1) and (2).

10 (c) RECOMMENDATIONS FOR ADDITIONAL EXPO-  
11 SURES TO BE INCLUDED.—Not later than five years after  
12 the date of the enactment of this Act, and every five years  
13 thereafter, the Secretary of Veterans Affairs, in consulta-  
14 tion with the Secretary of Defense and the Administrator  
15 of the Environmental Protection Agency, shall submit to  
16 Congress recommendations for additional chemicals with  
17 respect to which individuals exposed to such chemicals  
18 should be included in the registry established under sub-  
19 section (a).

20 (d) ELIGIBLE INDIVIDUAL DEFINED.—In this sec-  
21 tion, the term “eligible individual” means any individual  
22 who, on or after a date specified by the Secretary of Vet-  
23 erans Affairs through regulations, served or is serving in  
24 the Armed Forces at a military installation where AFFF

1 was used or at another location of the Department of De-  
2 fense where AFFF was used.

3 **SEC. 702. FORT MCCLELLAN HEALTH REGISTRY.**

4 (a) ESTABLISHMENT.—The Secretary of Veterans  
5 Affairs shall establish and maintain a special record to be  
6 known as the Fort McClellan Health Registry (in this sec-  
7 tion referred to as the “Registry”).

8 (b) CONTENTS.—Except as provided in subsection  
9 (c), the Registry shall include the following information:

10 (1) A list containing the name of each indi-  
11 vidual who, while serving as a member of the Armed  
12 Forces, was stationed at Fort McClellan, Alabama,  
13 at any time during the period beginning January 1,  
14 1935, and ending on May 20, 1999, and who—

15 (A) applies for care or services from the  
16 Department of Veterans Affairs under chapter  
17 17 of title 38, United States Code;

18 (B) files a claim for compensation under  
19 chapter 11 of such title on the basis of any dis-  
20 ability which may be associated with such serv-  
21 ice;

22 (C) dies and is survived by a spouse, child,  
23 or parent who files a claim for dependency and  
24 indemnity compensation under chapter 13 of  
25 such title on the basis of such service;

1 (D) requests from the Secretary a health  
2 examination under subsection (d); or

3 (E) receives from the Secretary a health  
4 examination similar to the health examination  
5 referred to in subparagraph (D) and requests  
6 inclusion in the Registry.

7 (2) Relevant medical data relating to the health  
8 status of, and other information that the Secretary  
9 considers relevant and appropriate with respect to,  
10 each individual described in paragraph (1) who—

11 (A) grants to the Secretary permission to  
12 include such information in the Registry; or

13 (B) at the time the individual is listed in  
14 the Registry, is deceased.

15 (c) INDIVIDUALS SUBMITTING CLAIMS OR MAKING  
16 REQUESTS BEFORE DATE OF ENACTMENT.—If in the  
17 case of an individual described in subsection (b)(1) the  
18 application, claim, or request referred to in such sub-  
19 section was submitted, filed, or made before the date of  
20 the enactment of this Act, the Secretary shall, to the ex-  
21 tent feasible, include in the Registry such individual's  
22 name and the data and information, if any, described in  
23 subsection (b)(2) relating to the individual.

24 (d) EXAMINATIONS.—Upon the request of a veteran  
25 who was stationed at Fort McClellan, Alabama, at any

1 time during the period beginning January 1, 1935, and  
2 ending on May 20, 1999, the Secretary shall provide the  
3 veteran with a health examination (including any appro-  
4 priate diagnostic tests) and consultation and counseling  
5 with respect to the results of the examination and the  
6 tests.

7 (e) OUTREACH.—

8 (1) ONGOING OUTREACH TO INDIVIDUALS LIST-  
9 ED IN REGISTRY.—The Secretary shall, from time to  
10 time, notify individuals listed in the Registry of sig-  
11 nificant developments in research on the health con-  
12 sequences of potential exposure to a toxic substance  
13 or environmental hazard related to service at Fort  
14 McClellan.

15 (2) EXAMINATION OUTREACH.—The Secretary  
16 shall carry out appropriate outreach activities with  
17 respect to the provision of any health examinations  
18 (including any diagnostic tests) and consultation and  
19 counseling services under subsection (d).

20 (f) CONSULTATION.—The Secretary of Veterans Af-  
21 fairs shall consult with the Secretary of Defense to acquire  
22 information maintained by the Secretary of Defense that  
23 the Secretary of Veterans Affairs considers necessary to  
24 establish and maintain the Registry.

1 **SEC. 703. INDEPENDENT STUDY ON INDIVIDUAL LONGITU-**  
2 **DINAL EXPOSURE RECORD.**

3 (a) IN GENERAL.—Not later than 60 days after the  
4 date of the enactment of this Act, the Secretary of Defense  
5 shall enter into a contract with an independent research  
6 entity described in subsection (b) to carry out a com-  
7 prehensive study of the development of the Individual Lon-  
8 gitudinal Exposure Record, or successor system, to deter-  
9 mine—

10 (1) the quality of the location data, occupa-  
11 tional and environmental exposure data, and health  
12 surveillance data; and

13 (2) whether a member of the Armed Forces can  
14 be reasonably assured that any toxic exposure they  
15 experience during service in the Armed Forces will  
16 be accurately reflected in the record of the member  
17 in such Individual Longitudinal Exposure Record.

18 (b) INDEPENDENT RESEARCH ENTITY.—The entity  
19 described in this subsection is an independent research en-  
20 tity that is a not-for-profit entity or a federally funded  
21 research and development center with appropriate exper-  
22 tise and analytical capability to carry out the study re-  
23 quired under subsection (a).

24 (c) TOXIC EXPOSURE DEFINED.—In this section, the  
25 term “toxic exposure” has the meaning given that term

1 in section 101(37) of title 38, United States Code, as  
2 added by section 102(b).

3 **SEC. 704. BIENNIAL REPORT ON INDIVIDUAL LONGITU-**  
4 **DINAL EXPOSURE RECORD.**

5 (a) IN GENERAL.—Not later than one year after the  
6 date on which the Individual Longitudinal Exposure  
7 Record, or successor system, achieves full operation capa-  
8 bility, as determined by the Secretary of Defense, and  
9 every 180 days thereafter, the Secretary of Defense, in  
10 consultation with the Secretary of Veterans Affairs, shall  
11 submit to the appropriate committees of Congress a report  
12 on—

13 (1) the data quality of the databases of the De-  
14 partment of Defense that provide the information  
15 presented in such Individual Longitudinal Exposure  
16 Record; and

17 (2) the usefulness of such Individual Longitu-  
18 dinal Exposure Record in supporting members of the  
19 Armed Forces and veterans in receiving health care  
20 and benefits from the Department of Defense and  
21 the Department of Veterans Affairs.

22 (b) ELEMENTS.—Each report required by subsection  
23 (a) shall include, for the period covered by the report, the  
24 following:

1           (1) An identification of toxic exposure events  
2           that may not be fully captured by the current sys-  
3           tems of the Department of Defense for environ-  
4           mental, occupational, and health monitoring, and  
5           recommendations for how to improve those systems.

6           (2) An analysis of the quality of the location  
7           data used by the Department of Defense in deter-  
8           mining toxic exposures of members of the Armed  
9           Forces and veterans, and recommendations for how  
10          to improve the quality of that location data if nec-  
11          essary.

12          (c) REPORT ON NATIONAL GUARD USE OF ILER.—  
13          Not later than one year after the date of the enactment  
14          of this Act, the Secretary of Defense shall submit to the  
15          appropriate committees of Congress a report on the feasi-  
16          bility of modifying the Individual Longitudinal Exposure  
17          Record to ensure that a member of the National Guard  
18          who is deployed in the United States in connection with  
19          a natural disaster, without regard to duty status (includ-  
20          ing any duty under title 10 or title 32, United States  
21          Code, or State active duty), may record information re-  
22          garding a suspected exposure by the member to toxic sub-  
23          stances during such deployment.

24          (d) DEFINITIONS.—In this section:

1           (1) APPROPRIATE COMMITTEES OF CON-  
 2       GRESS.—The term “appropriate committees of Con-  
 3       gress” means—

4           (A) the Committee on Armed Services and  
 5       the Committee on Veterans’ Affairs of the Sen-  
 6       ate; and

7           (B) the Committee on Armed Services and  
 8       the Committee on Veterans’ Affairs of the  
 9       House of Representatives.

10       (2) TOXIC EXPOSURE.—The term “toxic expo-  
 11       sure” has the meaning given that term in section  
 12       101(37) of title 38, United States Code, as added by  
 13       section 102(b).

14   **SEC. 705. CORRECTION OF EXPOSURE RECORDS BY MEM-**  
 15                   **BERS OF THE ARMED FORCES AND VET-**  
 16                   **ERANS.**

17       (a) IN GENERAL.—The Secretary of Defense shall  
 18       provide a means for members of the Armed Forces and  
 19       veterans to update their records as necessary to reflect a  
 20       toxic exposure by such member or veteran in the Indi-  
 21       vidual Longitudinal Exposure Record, or successor sys-  
 22       tem.

23       (b) EVIDENCE.—

24           (1) PROVISION OF EVIDENCE.—To update a  
 25       record under subsection (a), a member of the Armed



1 Forces or veteran, as the case may be, shall provide  
2 such evidence as the Secretary of Defense considers  
3 necessary.

4 (2) BENEFIT OF THE DOUBT.—In reviewing  
5 evidence provided under paragraph (1), the Sec-  
6 retary of Defense shall give the benefit of the doubt  
7 to the member of the Armed Forces or veteran who  
8 provided the evidence, as the case may be, in a man-  
9 ner that is equivalent to the benefit of the doubt re-  
10 quired under section 5107(b) of title 38, United  
11 States Code.

12 (3) REGULATIONS.—The Secretary of Defense  
13 shall prescribe by regulation the evidence considered  
14 necessary under paragraph (1).

15 (c) TOXIC EXPOSURE DEFINED.—In this section, the  
16 term “toxic exposure” has the meaning given that term  
17 in section 101(37) of title 38, United States Code, as  
18 added by section 102(b).

19 **SEC. 706. FEDERAL CAUSE OF ACTION RELATING TO**  
20 **WATER AT CAMP LEJEUNE, NORTH CARO-**  
21 **LINA.**

22 (a) IN GENERAL.—An individual, including a veteran  
23 (as defined in section 101 of title 38, United States Code),  
24 or the legal representative of such an individual, who re-  
25 sided, worked, or was otherwise exposed (including in

1 utero exposure) for not less than 30 days during the pe-  
2 riod beginning on August 1, 1953, and ending on Decem-  
3 ber 31, 1987, to water at Camp Lejeune, North Carolina,  
4 that was supplied by, or on behalf of, the United States  
5 may bring an action in the United States District Court  
6 for the Eastern District of North Carolina to obtain ap-  
7 propriate relief for harm that was caused by exposure to  
8 the water at Camp Lejeune.

9 (b) BURDENS AND STANDARD OF PROOF.—

10 (1) IN GENERAL.—The burden of proof shall be  
11 on the party filing the action to show one or more  
12 relationships between the water at Camp Lejeune  
13 and the harm.

14 (2) STANDARDS.—To meet the burden of proof  
15 described in paragraph (1), a party shall produce  
16 evidence showing that the relationship between expo-  
17 sure to the water at Camp Lejeune and the harm  
18 is—

19 (A) sufficient to conclude that a causal re-  
20 lationship exists; or

21 (B) sufficient to conclude that a causal re-  
22 lationship is at least as likely as not.

23 (c) EXCLUSIVE JURISDICTION AND VENUE.—The  
24 United States District Court for the Eastern District of  
25 North Carolina shall have exclusive jurisdiction over any

1 action filed under subsection (a), and shall be the exclusive  
2 venue for such an action. Nothing in this subsection shall  
3 impair the right of any party to a trial by jury.

4 (d) EXCLUSIVE REMEDY.—

5 (1) IN GENERAL.—An individual, or legal rep-  
6 resentative of an individual, who brings an action  
7 under this section for a harm described in subsection  
8 (a), including a latent disease, may not thereafter  
9 bring a tort action against the United States for  
10 such harm pursuant to any other law.

11 (2) HEALTH AND DISABILITY BENEFITS RELAT-  
12 ING TO WATER EXPOSURE.—Any award made to an  
13 individual, or legal representative of an individual,  
14 under this section shall be offset by the amount of  
15 any disability award, payment, or benefit provided to  
16 the individual, or legal representative—

17 (A) under—

18 (i) any program under the laws ad-  
19 ministered by the Secretary of Veterans  
20 Affairs;

21 (ii) the Medicare program under title  
22 XVIII of the Social Security Act (42  
23 U.S.C. 1395 et seq.); or

1 (iii) the Medicaid program under title  
2 XIX of the Social Security Act (42 U.S.C.  
3 1396 et seq.); and

4 (B) in connection with health care or a dis-  
5 ability relating to exposure to the water at  
6 Camp Lejeune.

7 (e) IMMUNITY LIMITATION.—The United States may  
8 not assert any claim to immunity in an action under this  
9 section that would otherwise be available under section  
10 2680(a) of title 28, United States Code.

11 (f) NO PUNITIVE DAMAGES.—Punitive damages may  
12 not be awarded in any action under this section.

13 (g) DISPOSITION BY FEDERAL AGENCY RE-  
14 QUIRED.—An individual may not bring an action under  
15 this section before complying with section 2675 of title 28,  
16 United States Code.

17 (h) EXCEPTION FOR COMBATANT ACTIVITIES.—This  
18 section does not apply to any claim or action arising out  
19 of the combatant activities of the Armed Forces.

20 (i) APPLICABILITY; PERIOD FOR FILING.—

21 (1) APPLICABILITY.—This section shall apply  
22 only to a claim accruing before the date of enact-  
23 ment of this Act.

1           (2) STATUTE OF LIMITATIONS.—A claim in an  
 2           action under this section may not be commenced  
 3           after the later of—

4                   (A) the date that is two years after the  
 5                   date of enactment of this Act; or

6                   (B) the date that is 180 days after the  
 7                   date on which the claim is denied under section  
 8                   2675 of title 28, United States Code.

9           (3) INAPPLICABILITY OF OTHER LIMITA-  
 10          TIONS.—Any applicable statute of repose or statute  
 11          of limitations, other than under paragraph (2), shall  
 12          not apply to a claim under this section.

13 **SEC. 707. VETERANS TOXIC EXPOSURES FUND.**

14          Chapter 3 is amended by adding at the end the fol-  
 15          lowing new section:

16 **“§ 324. Veterans Toxic Exposures Fund**

17          “(a) ESTABLISHMENT.—There is hereby established  
 18          in the Treasury of the United States an account to be  
 19          known as the “Veterans Toxic Exposures Fund” (the  
 20          “Fund”), to be administered through the Department of  
 21          Veterans Affairs, to provide for investment in the delivery  
 22          of veterans’ health care, research, and benefits associated  
 23          with hazardous exposure in service.

24          “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
 25          is authorized to be appropriated to the Fund for fiscal

1 year 2023 and each subsequent fiscal year such sums as  
2 are necessary to increase funding, over the fiscal year  
3 2021 level for the Veterans Health Administration of the  
4 Department of Veterans Affairs, for any expenses incident  
5 to the delivery of veterans' health care and benefits associ-  
6 ated with exposure to environmental hazards in service,  
7 including administrative expenses, such as claims proc-  
8 essing and appeals, and for medical research related to  
9 hazardous exposures. Amounts appropriated to the Fund  
10 pursuant to this subsection shall be counted as direct  
11 spending under the Congressional Budget and Impound-  
12 ment Control Act of 1974 and any other Act.

13       “(c) ESTIMATES FOR CONGRESSIONAL CONSIDER-  
14 ATION.—The Secretary shall include in documents sub-  
15 mitted to Congress in support of the President's budget  
16 submitted pursuant to section 1105 of title 31, United  
17 States Code, detailed estimates of the sums described in  
18 subsection (b) for the applicable fiscal year.

19       “(d) PROCEDURES FOR ESTIMATES.—The Secretary,  
20 after consultation with the Committees on Appropriations  
21 of the House of Representatives and the Senate, may es-  
22 tablish policies and procedures for developing the annual  
23 detailed estimates required in subsection (c).”.

1 **SEC. 708. AUTHORIZATION OF ELECTRONIC NOTICE IN**  
2 **CLAIMS UNDER LAWS ADMINISTERED BY THE**  
3 **SECRETARY OF VETERANS AFFAIRS.**

4 Title 38, United States Code, is amended as follows:

5 (1) By striking section 5100 and inserting the  
6 following:

7 **“§ 5100. Definitions**

8 “In this chapter:

9 “(1) The term ‘claimant’ means any individual  
10 applying for, or submitting a claim for, any benefit  
11 under the laws administered by the Secretary.

12 “(2) The term ‘notice’ means a communication  
13 issued through means (including electronic means)  
14 prescribed by the Secretary.”.

15 (2) In section 5104, by adding at the end the  
16 following new subsection:

17 “(c) The Secretary may provide notice under sub-  
18 section (a) electronically if a claimant (or the claimant’s  
19 representative) elects to receive such notice electronically.  
20 A claimant (or the claimant’s representative) may revoke  
21 such an election at any time, by means prescribed by the  
22 Secretary.

23 “(d) The Secretary shall annually—

24 “(1) solicit recommendations from stakeholders  
25 on how to improve notice under this section; and

1           “(2) publish such recommendations on a pub-  
2           licly available website of the Department.”.

3           (3) In section 5104B(e), in the matter pre-  
4           ceding paragraph (1) by striking “in writing” and  
5           inserting “to the claimant (and any representative of  
6           such claimant)”.

7           (4) In section 7104—

8                   (A) in the heading, by adding “; **deci-**  
9                   **sions; notice**” at the end; and

10                   (B) by striking subsection (e) and insert-  
11           ing the following:

12           “(e) After reaching a decision on an appeal, the  
13           Board shall promptly issue notice (as that term is defined  
14           in section 5100 of this title) of such decision to the fol-  
15           lowing:

16                   “(1) The appellant.

17                   “(2) Any other party with a right to notice of  
18           such decision.

19                   “(3) Any authorized representative of the appel-  
20           lant or party described in paragraph (2).

21           “(f) The Secretary may provide notice under sub-  
22           section (e) electronically if a claimant (or the claimant’s  
23           representative) elects to receive such notice electronically.  
24           A claimant (or the claimant’s representative) may revoke



1 such an election at any time, by means prescribed by the  
2 Secretary.”.

3 (5) In section 7105(b)(1)(A), by striking “mail-  
4 ing” and inserting “issuance”.

5 (6) In section 7105A(a), by striking “mailed”  
6 and inserting “issued”.

7 (7) In section 7266(a), by striking “mailed”  
8 and inserting “issued”.

9 **SEC. 709. AUTHORIZATION OF APPROPRIATIONS FOR EX-**  
10 **PANSION OF CLAIMS AUTOMATION.**

11 There is authorized to be appropriated to the Sec-  
12 retary of Veterans Affairs \$30,000,000 for fiscal year  
13 2023 to support expected increased claims processing for  
14 newly eligible veterans pursuant to this Act and the  
15 amendments made by this Act by—

16 (1) supporting the automation of processing  
17 claims by the Veterans Benefits Administration of  
18 the Department of Veterans Affairs;

19 (2) adding self-service features to the system by  
20 which individuals file claims;

21 (3) removing duplicative efforts regarding the  
22 processing of claims; and

23 (4) reducing the dependency of the Department  
24 on the legacy claim system.

1 **SEC. 710. NON-APPLICABILITY OF NON-DEPARTMENT OF**  
2 **VETERANS AFFAIRS COVENANTS NOT TO**  
3 **COMPETE TO APPOINTMENT OF VETERANS**  
4 **HEALTH ADMINISTRATION PERSONNEL.**

5 (a) IN GENERAL.—Subchapter I of chapter 74 of title  
6 38, United States Code, is amended by adding at the end  
7 the following new section:

8 **“§ 7414. Effect of non-Department covenants not to**  
9 **compete**

10 “(a) NON-APPLICABILITY.—Except as provided in  
11 subsection (b), in the case of an individual who is an appli-  
12 cant for appointment to a position in the Veterans Health  
13 Administration described in section 7401 of this title, any  
14 covenant not to compete into which the individual has en-  
15 tered with a non-Department facility or party shall have  
16 no force or effect with respect to the appointment of the  
17 individual to such a position.

18 “(b) SERVICE OBLIGATION.—(1) Any individual who  
19 is appointed to such a position in the Veterans Health Ad-  
20 ministration shall, as a condition of such appointment,  
21 agree to provide clinical services at a Department medical  
22 facility for the duration of the period described in para-  
23 graph (2).

24 “(2) The period described in this paragraph is the  
25 period that begins on the date on which an individual is

1 appointed to such a position and ends on the latter of the  
2 following dates:

3           “(A) The date that is one year after such date  
4 of appointment.

5           “(B) The date of the termination of any cov-  
6 enant not to compete entered into between the indi-  
7 vidual and a non-Department facility or party.

8           “(3) The Secretary may waive the requirement under  
9 paragraph (1) with respect to an individual at the discre-  
10 tion of the Secretary.

11       “(c) TERMINATION OF DEPARTMENT EMPLOY-  
12 MENT.—In the case of an individual who is appointed to  
13 such a position in the Veterans Health Administration  
14 who has entered into a covenant not to compete that is  
15 rendered non-applicable pursuant to subsection (a), if the  
16 individual’s employment at the Veterans Health Adminis-  
17 tration is terminated for any reason before the specified  
18 termination date of such covenant, subsection (a) shall not  
19 apply with respect to such covenant after the date of the  
20 termination of the individual’s employment at the Vet-  
21 erans Health Administration.

22       “(d) COVENANT NOT TO COMPETE.—In this section,  
23 the term ‘covenant not to compete’ means an agreement—

1           “(1) between an employee and employer or a  
2           contractor and principal that restricts such employee  
3           or contractor from performing—

4                   “(A) any work for another employer for a  
5                   specified period of time;

6                   “(B) any work in a specified geographical  
7                   area; or

8                   “(C) work for another employer per-  
9                   forming work that is similar to the work such  
10                  employee or contractor performed for the em-  
11                  ployer or principal, included as a party to the  
12                  agreement; and

13               “(2) that is entered into after the date of enact-  
14               ment of this Act.”.

15           (b) CLERICAL AMENDMENT.—The table of sections  
16           at the beginning of such chapter is amended by inserting  
17           after the item relating to section 7413 the following new  
18           item:

          “7414. Effect of non-Department covenants not to compete.”.

19   **SEC. 711. RECRUITMENT OF PHYSICIANS ON A CONTIN-**  
20                               **GEN T BASIS PRIOR TO COMPLETION OF**  
21                               **TRAINING REQUIREMENTS.**

22           Section 7402 of title 38, United States Code, is  
23           amended—

24                   (1) in subsection (b)(1)—

1 (A) in the matter preceding subparagraph  
2 (A) by inserting “or to be offered an appoint-  
3 ment to such position on a contingent basis  
4 under subsection (h)” after “position”; and

5 (B) by striking subparagraph (B) and in-  
6 serting the following:

7 “(B)(i) have completed a residency leading to  
8 board eligibility in a specialty, satisfactory to the  
9 Secretary; or

10 “(ii) with respect to an offer for an appoint-  
11 ment on a contingent basis under subsection (h),  
12 complete such a residency by not later than two  
13 years after the date of such offer; and”;

14 (2) by adding at the end the following new sub-  
15 section:

16 “(h)(1) The Secretary may appoint an individual  
17 under subsection (b)(1) on a contingent basis in accord-  
18 ance with this subsection if the Secretary reasonably an-  
19 ticipated that the individual will have completed the re-  
20 quirements for appointment under such subsection (b)(1)  
21 by not later than two years after the date on which the  
22 individual is so appointed.

23 “(2) An individual who is appointed to a position on  
24 a contingent basis under paragraph (1) shall be appointed  
25 to such position on a permanent basis if, by not later than

1 two years after the date of the contingent appointment,  
 2 the individual completes all the requirements for appoint-  
 3 ment under subsection (b)(1).

4 “(3) An individual who is appointed on a contingent  
 5 basis under paragraph (1) who fails to complete the re-  
 6 quirements for appointment under subsection (b)(1) by  
 7 not later than two years after the date on which the indi-  
 8 vidual is so appointed may not be appointed to such posi-  
 9 tion on a permanent basis.”.

10 **SEC. 712. AUTHORITY FOR SECRETARY OF VETERANS AF-**  
 11 **FAIRS TO AWARD GRANTS TO STATES TO IM-**  
 12 **PROVE OUTREACH TO VETERANS.**

13 (a) IN GENERAL.—Chapter 63 of title 38, United  
 14 States Code, is amended—

15 (1) by redesignating sections 6307 and 6308  
 16 and sections 6308 and 6309, respectively; and

17 (2) by inserting after section 6306 the following  
 18 new section 6307:

19 **“§ 6307. Grants to States to improve outreach to vet-**  
 20 **erans**

21 “(a) PURPOSE.—It is the purpose of this section to  
 22 provide for assistance by the Secretary to States to carry  
 23 out programs that—

24 “(1) improve outreach and assistance to vet-  
 25 erans and the spouses, children, and parents of vet-

1       erans, to ensure that such individuals are fully in-  
2       formed about any veterans and veterans-related ben-  
3       efits and programs (including State veterans pro-  
4       grams) for which they may be eligible; and

5               “(2) facilitate opportunities for such individuals  
6       to receive competent, qualified services in the prepa-  
7       ration, presentation, and prosecution of veterans  
8       benefits claims.

9       “(b) AUTHORITY.—The Secretary may award grants  
10   to States—

11               “(1) to carry out, coordinate, improve, or other-  
12       wise enhance outreach activities;

13               “(2) to increase the number of county or tribal  
14       veterans service officers serving in the State by hir-  
15       ing new, additional such officers; or

16               “(3) to expand, carry out, coordinate, improve,  
17       or otherwise enhance existing programs, activities,  
18       and services of the State’s existing organization that  
19       has been recognized by the Department of Veterans  
20       Affairs pursuant to section 5902, in the preparation,  
21       presentation, and prosecution of claims for veterans  
22       benefits through representatives who hold positions  
23       as county or Tribal veterans service officers.

24       “(c) APPLICATION.—(1) To be eligible for a grant  
25   under this section, a State shall submit to the Secretary

1 an application therefor at such time, in such manner, and  
2 containing such information as the Secretary may require.

3 “(2) Each application submitted under paragraph (1)  
4 shall include the following:

5 “(A) A detailed plan for the use of the grant.

6 “(B) A description of the programs through  
7 which the State will meet the outcome measures de-  
8 veloped by the Secretary under subsection (i).

9 “(C) A description of how the State will dis-  
10 tribute grant amounts equitably among counties (or  
11 Tribal lands, as the case may be) with varying levels  
12 of urbanization.

13 “(D) A plan for how the grant will be used to  
14 meet the unique needs of American Indian or Alaska  
15 Native veterans, elderly veterans, women veterans,  
16 and veterans from other underserved communities.

17 “(d) DISTRIBUTION.—The Secretary shall seek to en-  
18 sure that grants awarded under this section are equitably  
19 distributed among States with varying levels of urbaniza-  
20 tion.

21 “(e) PRIORITY.—The Secretary shall prioritize  
22 awarding grants under this section that will serve the fol-  
23 lowing areas:

24 “(1) Areas with a critical shortage of county or  
25 tribal veterans service officers.



1 “(2) Areas with high rates of—

2 “(A) suicide among veterans; or

3 “(B) referrals to the Veterans Crisis Line.

4 “(f) USE OF COUNTY OR TRIBAL VETERANS SERV-  
5 ICE OFFICERS.—A State that receives a grant under this  
6 section to carry out an activity described in subsection  
7 (b)(1) shall carry out the activity through—

8 “(1) a county or Tribal veterans service officer  
9 of the State; or

10 “(2) if the State does not have a county or trib-  
11 al veterans service officer, or if the county or Tribal  
12 veterans service officers of the State cover only a  
13 portion of that State, an appropriate entity of a  
14 State, local, or Tribal government, or another pub-  
15 licly funded entity, as determined by the Secretary.

16 “(g) REQUIRED ACTIVITIES.—Any grant awarded  
17 under this section shall be used—

18 “(1) to expand existing programs, activities,  
19 and services;

20 “(2) to hire and maintain new, additional coun-  
21 ty or Tribal veterans service officers; or

22 “(3) for travel and transportation to facilitate  
23 carrying out paragraph (1) or (2).

24 “(h) OTHER PERMISSIBLE ACTIVITIES.—A grant  
25 under this section may be used to provide education and

1 training, including on-the-job training, for State, county,  
2 local, and tribal government employees who provide (or  
3 when trained will provide) veterans outreach services in  
4 order for those employees to obtain and maintain accredi-  
5 tation in accordance with procedures approved by the Sec-  
6 retary.

7 “(i) OUTCOME MEASURES.—(1) The Secretary shall  
8 develop and provide to each State that receives a grant  
9 under this section written guidance on the following:

10 “(A) Outcome measures.

11 “(B) Policies of the Department.

12 “(2) In developing outcome measures under para-  
13 graph (1), the Secretary shall consider the following goals:

14 “(A) Increasing the use of veterans and vet-  
15 erans-related benefits, particularly among vulnerable  
16 populations.

17 “(B) Increasing the number of county and trib-  
18 al veterans service officers recognized by the Sec-  
19 retary for the representation of veterans under chap-  
20 ter 59 of this title.

21 “(j) TRACKING REQUIREMENTS.—(1) With respect  
22 to each grant awarded under this section, the Secretary  
23 shall track the use of veterans benefits among the popu-  
24 lation served by the grant, including the average period  
25 of time between the date on which a veteran or other eligi-

1 ble claimant applies for such a benefit and the date on  
2 which the veteran or other eligible claimant receives the  
3 benefit, disaggregated by type of benefit.

4 “(2) Not less frequently than annually during the life  
5 of the grant program established under this section, the  
6 Secretary shall submit to Congress a report on—

7 “(A) the information tracked under paragraph  
8 (1);

9 “(B) how the grants awarded under this section  
10 serve the unique needs of American Indian or Alaska  
11 Native veterans, elderly veterans, women veterans,  
12 and veterans from other underserved communities;  
13 and

14 “(C) other information provided by States pur-  
15 suant to the grant reporting requirements.

16 “(k) PERFORMANCE REVIEW.—(1) The Secretary  
17 shall—

18 “(A) review the performance of each State that  
19 receives a grant under this section; and

20 “(B) make information regarding such perform-  
21 ance publicly available.

22 “(l) REMEDIATION PLAN.—(1) In the case of a State  
23 that receives a grant under this section and does not meet  
24 the outcome measures developed by the Secretary under  
25 subsection (i), the Secretary shall require the State to sub-

1 mit a remediation plan under which the State shall de-  
2 scribe how and when it plans to meet such outcome meas-  
3 ures.

4 “(2) The Secretary may not award a subsequent  
5 grant under this section to a State described in paragraph  
6 (1) unless the Secretary approves the remediation plan  
7 submitted by the State.

8 “(m) MAXIMUM AMOUNT.—The amount of a grant  
9 awarded under this section may not exceed 10 percent of  
10 amounts made available for grants under this section for  
11 the fiscal year in which the grant is awarded.

12 “(n) SUPPLEMENT, NOT SUPPLANT.—Any grant  
13 awarded under this section shall be used to supplement  
14 and not supplant State and local funding that is otherwise  
15 available.

16 “(o) AUTHORIZATION OF APPROPRIATIONS.—There  
17 is authorized to be appropriated to the Secretary for each  
18 of fiscal years 2023 through 2027, \$50,000,000 to carry  
19 out this section.

20 “(p) DEFINITIONS.—In this section:

21 “(1) The term ‘county or tribal veterans service  
22 officer’ includes a local equivalent veterans service  
23 officer.

24 “(2) The term ‘State’ includes each Indian  
25 Tribe, the District of Columbia, the Commonwealth

1 of Puerto Rico, the Commonwealth of the Northern  
 2 Mariana Islands, and any territory or possession of  
 3 the United States.

4 “(3) The term ‘Veterans Crisis Line’ means the  
 5 toll-free hotline for veterans established under sec-  
 6 tion 1720F(h) of this title.”.

7 (b) CLERICAL AMENDMENT.—The table of sections  
 8 at the beginning of chapter 63 of such title is amended  
 9 by striking the items relating to sections 6307 and 6308  
 10 and inserting the following new items:

“6307. Grants to States to improve outreach to veterans.

“6308. Outreach for eligible dependents.

“6309. Biennial report to Congress.”.

11 (c) AUTHORIZATION OF ADDITIONAL FULL-TIME  
 12 EQUIVALENT EMPLOYEE.—During fiscal years 2023  
 13 through 2027, the Secretary of Veterans Affairs may hire  
 14 an additional full-time equivalent employee in the Office  
 15 of the General Counsel of the Department of Veterans Af-  
 16 fairs, as compared to the number of full-time equivalent  
 17 employees that would otherwise be authorized for such of-  
 18 fice, to carry out duties under the accreditation, discipline,  
 19 and fees program.

20 **SEC. 713. STUDY AND REPORT ON HERBICIDE AGENT EXPO-**  
 21 **SURE IN PANAMA CANAL ZONE.**

22 (a) STUDY.—The Secretary of Defense shall conduct  
 23 a study on the exposure of members of the Armed Forces  
 24 to herbicide agents, including Agent Orange and Agent

1 Purple, in the Panama Canal Zone during the period be-  
2 ginning on January 1, 1958, and ending on December 31,  
3 1999.

4 (b) REPORT.—Not later than one year after the date  
5 of the enactment of this Act, the Secretary shall submit  
6 to Congress a report on the study conducted under sub-  
7 section (a).

8 **SEC. 714. BUDGET INFORMATION FOR ALTERNATIVES TO**  
9 **BURN PITS.**

10 The Secretary of Defense shall include in the budget  
11 submission of the President under section 1105(a) of title  
12 31, United States Code, for each of fiscal years 2023  
13 through 2027, a dedicated budget line item for inciner-  
14 ators and waste-to-energy waste disposal alternatives to  
15 burn pits.

16 **SEC. 715. AUTHORIZATION OF APPROPRIATIONS FOR EX-**  
17 **PANSION OF CLAIMS AUTOMATION.**

18 There is authorized to be appropriated to the Sec-  
19 retary of Veterans Affairs \$150,000,000 for fiscal year  
20 2023 to continue the modernization and expansion of ca-  
21 pabilities and capacity of the Veterans Benefits Manage-  
22 ment System of the Department of Veterans Affairs to  
23 support expected increased claims processing for newly eli-  
24 gible veterans pursuant to this Act and the amendments  
25 made by this Act.

1 **SEC. 716. BURN PIT REGISTRY UPDATES.**

2 (a) INDIVIDUALS ELIGIBLE TO UPDATE.—

3 (1) IN GENERAL.—Not later than 180 days  
4 after the date of the enactment of this Act, the Sec-  
5 retary of Veterans Affairs shall take actions nec-  
6 essary to ensure that the burn pit registry may be  
7 updated with the cause of death of a deceased reg-  
8 istered individual by—

9 (A) an individual designated by such de-  
10 ceased registered individual; or

11 (B) if no such individual is designated, an  
12 immediate family member of such deceased reg-  
13 istered individual.

14 (2) DESIGNATION.—The Secretary shall pro-  
15 vide, with respect to the burn pit registry, a process  
16 by which a registered individual may make a des-  
17 ignation for purposes of paragraph (1)(A).

18 (b) DEFINITIONS.—In this section:

19 (1) The term “burn pit registry” means the  
20 registry established under section 201 of the Dig-  
21 nified Burial and Other Veterans’ Benefits Improve-  
22 ment Act of 2012 (Public Law 112–260; 38 U.S.C.  
23 527 note).

24 (2) The term “immediate family member”, with  
25 respect to a deceased individual, means—

1 (A) the spouse, parent, brother, sister, or  
2 adult child of the individual;

3 (B) an adult person to whom the indi-  
4 vidual stands in loco parentis; or

5 (C) any other adult person—

6 (i) living in the household of the indi-  
7 vidual at the time of the death of the indi-  
8 vidual; and

9 (ii) related to the individual by blood  
10 or marriage.

11 (3) The term “registered individual” means an  
12 individual registered with the burn pit registry.

13 **SEC. 717. BURN PIT TRANSPARENCY.**

14 (a) **SHORT TITLE.**—This section may be cited as the  
15 “SFC Heath Robinson Burn Pit Transparency Act”.

16 (b) **NOTIFICATIONS AND REPORTS REGARDING RE-**  
17 **PORTED CASES OF BURN PIT EXPOSURE.**—

18 (1) **QUARTERLY NOTIFICATIONS.**—

19 (A) **IN GENERAL.**—On a quarterly basis,  
20 the Secretary of Veterans Affairs shall submit  
21 to the appropriate congressional committees a  
22 report on each reported case of burn pit expo-  
23 sure by a covered veteran reported during the  
24 previous quarter.



1 (B) ELEMENTS.—Each report submitted  
2 under subparagraph (A) shall include, with re-  
3 spect to each reported case of burn pit exposure  
4 of a covered veteran included in the report, the  
5 following:

6 (i) Notice of the case, including the  
7 medical facility at which the case was re-  
8 ported.

9 (ii) Notice of, as available—

10 (I) the enrollment status of the  
11 covered veteran with respect to the  
12 patient enrollment system of the De-  
13 partment of Veterans Affairs under  
14 section 1705(a) of title 38, United  
15 States Code;

16 (II) a summary of all health care  
17 visits by the covered veteran at the  
18 medical facility at which the case was  
19 reported that are related to the case;

20 (III) the demographics of the  
21 covered veteran, including age, sex,  
22 and race;

23 (IV) any non-Department of Vet-  
24 erans Affairs health care benefits that  
25 the covered veteran receives;

1 (V) the Armed Force in which  
2 the covered veteran served and the  
3 rank of the covered veteran;

4 (VI) the period in which the cov-  
5 ered veteran served;

6 (VII) each location of an open  
7 burn pit from which the covered vet-  
8 eran was exposed to toxic airborne  
9 chemicals and fumes during such  
10 service;

11 (VIII) the medical diagnoses of  
12 the covered veteran and the treatment  
13 provided to the veteran; and

14 (IX) whether the covered veteran  
15 is registered in the Airborne Hazards  
16 and Open Burn Pit Registry.

17 (C) PROTECTION OF INFORMATION.—The  
18 Secretary shall ensure that the reports sub-  
19 mitted under subparagraph (A) do not include  
20 the identity of covered veterans or contain other  
21 personally identifiable data.

22 (2) ANNUAL REPORT ON CASES.—

23 (A) IN GENERAL.—Not later than 180  
24 days after the date of the enactment of this  
25 Act, and annually thereafter, the Secretary of

1 Veterans Affairs, in collaboration with the Sec-  
2 retary of Defense, shall submit to the appro-  
3 priate congressional committees a report detail-  
4 ing the following:

5 (i) The total number of covered vet-  
6 erans.

7 (ii) The total number of claims for  
8 disability compensation under chapter 11  
9 of title 38, United States Code, approved  
10 and the total number denied by the Sec-  
11 retary of Veterans Affairs with respect to  
12 a covered veteran, and for each such de-  
13 nial, the rationale of the denial.

14 (iii) A comprehensive list of—

15 (I) the conditions for which cov-  
16 ered veterans seek treatment; and

17 (II) the locations of the open  
18 burn pits from which the covered vet-  
19 erans were exposed to toxic airborne  
20 chemicals and fumes.

21 (iv) Identification of any illnesses re-  
22 lating to exposure to open burn pits that  
23 formed the basis for the Secretary to  
24 award benefits, including entitlement to

1 service connection or an increase in dis-  
2 ability rating.

3 (v) The total number of covered vet-  
4 erans who died after seeking care for an  
5 illness relating to exposure to an open burn  
6 pit.

7 (vi) Any updates or trends with re-  
8 spect to the information described in  
9 clauses (i), (ii), (iii), (iv), and (v) that the  
10 Secretary determines appropriate.

11 (B) MATTERS INCLUDED IN FIRST RE-  
12 PORT.—The Secretary shall include in the first  
13 report under paragraph (1) information speci-  
14 fied in paragraph (1)(B) with respect to re-  
15 ported cases of burn pit exposure made during  
16 the period beginning January 1, 1990, and end-  
17 ing on the day before the date of the enactment  
18 of this Act.

19 (3) INFORMATION REGARDING THE AIRBORNE  
20 HAZARDS AND OPEN BURN PIT REGISTRY.—

21 (A) NOTICE.—The Secretary of Veterans  
22 Affairs shall ensure that a medical professional  
23 of the Department of Veterans Affairs informs  
24 a veteran of the Airborne Hazards and Open  
25 Burn Pit Registry if the veteran presents at a

1 medical facility of the Department for treat-  
2 ment that the veteran describes as being related  
3 to, or ancillary to, the exposure of the veteran  
4 to toxic airborne chemicals and fumes caused  
5 by open burn pits.

6 (B) DISPLAY.—In making information  
7 public regarding the number of participants in  
8 the Airborne Hazards and Open Burn Pit Reg-  
9 istry, the Secretary shall display such numbers  
10 by both State and by congressional district.

11 (4) COMPTROLLER GENERAL REPORT.—Not  
12 later than 180 days after the date of the enactment  
13 of this Act, the Comptroller General of the United  
14 States shall submit to the appropriate congressional  
15 committees a report containing an assessment of the  
16 effectiveness of any memorandum of understanding  
17 or memorandum of agreement entered into by the  
18 Secretary of Veterans Affairs with respect to—

19 (A) the processing of reported cases of  
20 burn pit exposure; and

21 (B) the coordination of care and provision  
22 of health care relating to such cases at medical  
23 facilities of the Department of Veterans Affairs  
24 and at non-Department facilities.

25 (5) DEFINITIONS.—In this section:

1           (A) The term “Airborne Hazards and  
2           Open Burn Pit Registry” means the registry es-  
3           tablished by the Secretary of Veterans Affairs  
4           under section 201 of the Dignified Burial and  
5           Other Veterans’ Benefits Improvement Act of  
6           2012 (Public Law 112–260; 38 U.S.C. 527  
7           note).

8           (B) The term “appropriate congressional  
9           committees” means—

10               (i) the Committee on Veterans’ Af-  
11               fairs and the Committee on Armed Serv-  
12               ices of the Senate; and

13               (ii) The Committee on Veterans’ Af-  
14               fairs and the Committee on Armed Serv-  
15               ices of the House of Representatives.

16           (C) The term “covered veteran” means a  
17           veteran who presents at a medical facility of the  
18           Department of Veterans Affairs (or in a non-  
19           Department facility pursuant to section 1703 or  
20           1703A of title 38, United States Code) for  
21           treatment that the veteran describes as being  
22           related to, or ancillary to, the exposure of the  
23           veteran to toxic airborne chemicals and fumes  
24           caused by open burn pits at any time while  
25           serving in the Armed Forces.

Passed the House of Representatives March 3,  
2022.

**HR 3967 PCS**

Calendar No. 388

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2<sup>D</sup> Session

**H. R. 3967**

***AN ACT***

To improve health care and benefits for veterans exposed to toxic substances, and for other purposes.

MAY 25, 2022

Read the second time and placed on the calendar